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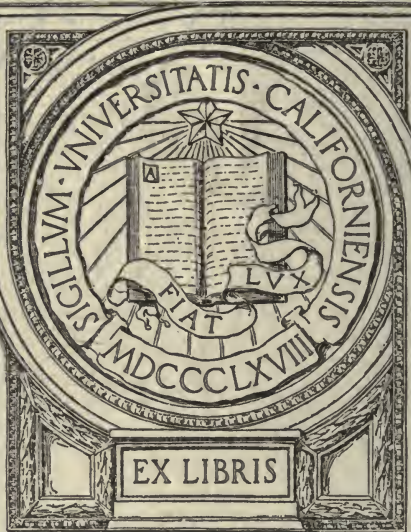
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# CHARTER

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City of Jackson, Mich.



1914

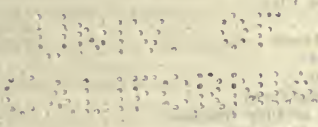


FEDERAL BUREAU OF INVESTIGATION

# Proposed New Charter

OF THE

## City of Jackson Michigan





- CITY OF JACKSON  
MISSISSIPPI
- (7) Public hearings must be had upon all appropriations.
  - (8) The city is safeguarded in franchise matters.
  - (9) Eight hours constitute a day's labor upon all public works.

(10) All assessments are made by a single Assessor, thus promoting uniformity and equal treatment throughout the city. Fairness and equality are established in assessing for sewers and other local improvements.

(11) The cost of pavements, except street intersections, is borne by the abutting property owners. This is the rule in many of the larger cities and seems to be just, and makes for a more rapid development of the city. We realize, however, that there may be a difference of opinion upon this subject and have, therefore, submitted an amendment providing that in addition to intersections, the city shall pay two-fifths of the cost of pavements. Those in favor of the city paying for intersections only should vote "Yes" on the Charter and "No" on the amendment, and those in favor of the city paying for intersections and also two-fifths of the remainder of the cost should vote "Yes" on the Charter and "Yes" on the amendment. If the amendment be adopted, it supercedes the provision in the body of the Charter.

In the interest of a progressive and greater Jackson, we unanimously recommend the adoption of this Charter.

#### THE CHARTER COMMISSION.

# CHARTER

OF THE

## City of Jackson, Michigan

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We, the people of the City of Jackson, Michigan, in order to obtain the benefits of home rule, to encourage more direct and business-like methods in the transaction of our municipal affairs and otherwise to promote our common welfare, do adopt the following charter:

### POWERS OF THE CITY

(1) The inhabitants of the City of Jackson, Michigan, as its limits now are or hereafter may be established, shall continue to be a body politic and corporate to be known as "The City of Jackson," and by that name may contract, sue or be sued, and may have a common seal, and may purchase, hold, appropriate, lease, convey and dispose of any real and personal property, for corporate purposes, and shall have, exercise and enjoy such corporate powers as are conferred by this charter, together with such implied and incidental powers as are possessed by municipal corporations in this state. The City may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not, and, subject to the constitution and general laws of the state and provisions of this charter, may do any act to advance the interest of the City, the good government and prosperity of the municipality and its inhabitants, and pass all laws and ordinances relating to municipal concerns.

### BOUNDARIES

(2) Sec. 1. So much of the County of Jackson as is embraced in the east half of section thirty-three (33), sections thirty-four (34) and thirty-five (35), the west

half of section thirty-six (36), the southwest quarter of section twenty-five (25), the south half of sections twenty-six (26) and twenty-seven (27), and the southeast quarter of section twenty-eight (28), all in township two (2) south, of range one (1) west, and in the west half of section one (1), sections two (2) and three (3), the east half of section four (4), the northeast quarter of section nine (9), the north half of sections ten (10) and eleven (11), and the northwest quarter of section twelve (12), all in township three (3) south, of range one (1) west, shall embrace the territorial limits of the City.

(3) Sec. 2. The City shall be divided into eight wards, numbered as at present, and the boundaries of which shall be as now established.

(4) Sec. 3. The City Commission shall by ordinance from time to time establish one or more convenient voting precincts in each ward. Until the City Commission shall otherwise order, the voting precincts shall continue as now established.

## ELECTIVE OFFICIALS

(5) Sec. 1. There shall be a Mayor to be elected at large for a term of two years, whose term of office shall begin on the first day of January of all even numbered years: Provided, however, that the term of the first Mayor to be elected under this charter shall commence on the first day of January, 1915, and shall end one year thereafter.

(6) Sec. 2. There shall be five Commissioners of whom the Mayor shall be one. The other four shall be elected at large for terms of four years. Their terms of office shall commence on the first day of January of the even numbered years: Provided, however, that two of the Commissioners to be first elected under this charter shall hold office for the term of one year, commencing January first, 1915, and two of said Commissioners shall hold office for the term of three years, commencing January first, 1915.

(7) Sec. 3. There shall also be one Justice of the Peace and one Police Judge to be elected as hereinafter provided.

(8) Sec. 4. All elective officials shall hold office until their successors have duly qualified.



## VACANCIES

(9) Sec. 1. Any vacancy in the City Commission, or in the office of Mayor, Justice of the Peace or Police Judge, except as otherwise provided in this charter, shall be filled temporarily by the City Commission by the vote of at least three. The City Commission shall call an election to fill such vacancy at the first regular election, municipal or general, prior to which there is time to take the necessary steps, and the person appointed in the meanwhile shall hold only until his successor has duly qualified.

(10) Sec. 2. If by reason of resignation, death, failure to elect or other circumstances, three or more vacancies exist at the same time in the City Commission, or if the City Commission fails to fill any vacancy within ten days after the same occurs, then the City Supervisors shall convene at the call of the City Clerk and by a majority vote of the members thereof forthwith make such number of appointments as may be necessary to constitute a City Commission of five qualified members. The City Clerk shall act as the clerk of said meeting of the City Supervisors and shall cause a certificate of its action to be entered on the journal of the City Commission.

(11) Sec. 3. If any elective officer shall cease to be a resident of this City or if he shall become a defaulter to the City his office shall be thereby vacated.

## OATHS OF OFFICE

(12) The Justice of the Peace shall take and file an oath of office with the County Clerk of the County of Jackson, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the City shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution, and file the same with the City Clerk.

## CITY COMMISSION—GENERAL PROVISIONS

(13) Sec. 1. All the powers of the City, except as herein otherwise provided, are hereby vested in the City Commission, which shall consist of the five Commissioners, including the Mayor.

(14) Sec. 2. The City Commission shall hold regular or stated meetings at least one each week. Special meetings may be called at any time by the Mayor or by two other Commissioners. The City Clerk shall notify all members of the City Commission of any special meeting, personally, by telephone, or shall cause a notice thereof to be served upon them, in either case at least two hours before the time of the meeting. The first meeting of the City Commission shall be held on the second day of January, 1915, at eight o'clock in the evening at the council chambers. All meetings of the City Commission shall be public.

(15) Sec. 3. Three members of the City Commission shall constitute a quorum. Except as may be otherwise provided in this charter, no action, other than adjournment, shall be taken by the City Commission except upon the affirmative vote of three members thereof.

(16) Sec. 4. The Mayor shall be the presiding officer of the City Commission. The City Clerk shall be clerk of the City Commission and shall keep a journal of its proceedings in the English language.

(17) Sec. 5. The City Commission may appoint such committees and may adopt such rules of procedure and by-laws as may seem expedient, not inconsistent with this charter or the general laws.

(18) Sec. 6. The City Commission shall be sole judge of the election and qualifications of its own members.

(19) Sec. 7. No money shall be appropriated except by ordinance or resolution. The vote upon all ordinances and resolutions and in allowing bills shall be taken by yeas and nays and recorded. In the case of appointment of officers the vote shall be by ballot.

(20) Sec. 8. Within five days after any meeting of the City Commission the substance of all the proceedings and votes taken shall be published in one of the newspapers of the City.

(21) Sec. 9. No member of the City Commission or any administrative officer of the City shall be interested directly or indirectly in the profits of any contract, job, work or services, other than official services, to be performed for the City. Any member of the City Commission or officer of the City herein specified offending against the provisions of this section, shall, upon conviction

tion thereof, be fined not more than five hundred dollars, or be imprisoned not more than ninety days, or both, in the discretion of the court, and shall forfeit his office. Any contract made in violation of this provision shall be void.

(22) Sec. 10. The City Commission shall have control of the finances and of all the property, real and personal, of the City, except as may be otherwise provided by this charter.

## MAYOR

(23) Sec. 1. The Mayor shall be the chief executive officer of the City. He shall be a conservator of the peace and as such may exercise, within the City, the powers conferred upon sheriffs to suppress disorder and shall have the power to command the assistance of able bodied citizens to aid in the enforcement of law and to suppress riot and disorderly conduct.

(24) Sec. 2. He shall authenticate by his signature all ordinances or resolutions passed by the City Commission, but shall not have the power of veto. He shall countersign all warrants for the payment of money when the same are duly authorized by the City Commission.

(25) Sec. 3. The City Commission shall choose from among their number a Vice-Mayor, who shall perform all the duties of the Mayor, when, on account of absence from the City or otherwise, he is temporarily unable to perform the duties of his office, or in case of a vacancy in the office of Mayor, until such vacancy is filled by the City Commission. In case both the Mayor and Vice-Mayor are unable, temporarily, to perform the duties of the office, another member of the City Commission shall be chosen to act.

## APPOINTIVE OFFICIALS

(26) Sec. 1. The City Commission shall appoint a City Manager, a City Clerk, a Treasurer, a City Attorney, a City Physician, a Health Officer, a Sanitary Inspector, one City Supervisor from each ward (one of whom shall be designated as the Assessor), and one or more Building Inspectors, all of whom shall hold office at the pleasure of the City Commission. The City Commission shall also provide by ordinance for the appointment of a City Sealer of Weights and Measures,



whose powers and duties shall be as provided by the general laws or by ordinance not inconsistent with the general laws.

(27) Sec. 2. The City Manager, in consultation with the City Commission and with its approval, shall appoint a Chief of Police, a Chief of the Fire Department, and such other minor officials, subordinates or clerks as may be determined by the City Commission to be necessary to properly conduct the business or public works of the City, and shall make appointments to all positions for which no other mode of appointment is provided. All such appointees, except as otherwise provided in this charter, may be removed by the City Manager at will.

### **EMPLOYMENT OF LABORERS**

(28) Sec. 1. All laborers needed on the public works of the City, not let by contract, shall be employed by the City Manager and may be discharged by him at will. Except in the case of skilled laborers, not obtainable within the City, only bona fide residents of the City shall be employed, whether the work be done by the City or by contract; provided, they can be obtained at the going wage.

(29) Sec. 2. Eight hours shall constitute a day's labor on all public works, except in cases of emergency.

### **CITY MANAGER—POWERS AND DUTIES**

(30) Sec. 1. The City Manager shall have charge of the administration of municipal affairs under the direction and supervision of the City Commission.

(31) Sec. 2. He shall designate one of his subordinates as Assistant Manager, who, unless it is otherwise provided by the City Commission, shall perform all the duties of the City Manager in case of his absence from the City or temporary disability.

(32) Sec. 3. He shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided in this charter. He shall have charge of the construction, repair and maintenance of streets, sidewalks, bridges, pavements, sewers and of all public buildings or other property belonging to the City. He shall manage and control all the city utilities and shall be charged with the preservation of property,



tools and appliances of the City. He shall have charge of the cleaning, sprinkling and lighting of streets and public places.

(33) Sec. 4. It shall be the further duty of the City Manager, except as otherwise provided in this charter:

(a) To take active control of the fire, police and engineering departments of the City and to engage such assistants therein as shall be provided for in this charter or by the City Commission.

(b) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public franchise are faithfully kept and performed and that ordinances and laws relating to the City are enforced.

(c) To attend all meetings of the City Commission, with the right to take part in the discussions, but having no vote.

(d) To recommend to the City Commission for adoption such measures as he may deem necessary or expedient.

(e) To prepare the annual budget and to keep the City Commission fully advised as to the financial condition and needs of the City.

(f) To exercise and perform all administrative functions that are not imposed by this charter or by act of the City Commission upon some other official.

(g) To perform all other duties prescribed by this charter or required of him by the City Commission.

#### CITY CLERK

(34) Sec. 1. The City Clerk shall keep the corporate seal and have custody of all papers filed in or pertaining to his office. He shall issue all licenses, when authorized, and perform such other duties as shall be prescribed by this charter or by the City Commission.

(35) Sec. 2. The City Clerk shall be the general accountant of the City and all claims against the City shall be filed with him for adjustment. After examination thereof he shall report the same, with all accompanying vouchers and counter claims of the City and the true balance as found by him, to the City Commission, for allowance, and when allowed shall draw his warrant upon the Treasurer for the payment thereof, designating thereon and fund from which payment is to be made, and take proper receipt therefor; but no warrant shall

be drawn upon any fund after the same has been exhausted. No warrant shall be valid until countersigned by the Mayor. When any tax or money shall be levied, raised or appropriated, the City Clerk shall report the amount thereof to the Treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

(36) Sec. 3. He shall exercise the powers of township clerks so far as the same are to be performed within the City. He shall have authority to administer oaths. He shall be the custodian of the ballot boxes, ballots and all property pertaining to elections, except voting machines, which shall be required by law to be kept by the City.

(37) Sec. 4. The City Clerk shall have charge of all books, vouchers and documents relating to accounts, contracts, debts and revenues of the City. He shall countersign all bonds issued, and keep a list of all property and effects belonging to the City, and of all its debts and liabilities. He shall keep a complete set of books exhibiting the financial condition of the City in all its departments, its funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised. He shall keep an account with the Treasurer in which he shall charge the Treasurer with the amounts of all the assessment rolls of the City and all rolls for water rates, that may be placed in the hands of the Treasurer for collection, and with all moneys received from any source for each of the several funds of the City, and credit the Treasurer with all the warrants drawn thereon that may be paid by him, keeping a separate account with each fund. When any fund has been exhausted the City Clerk shall immediately advise the City Commission thereof.

(38) Sec. 5. He shall hand to the City Commission, at its first regular meeting in each month, a statement showing the condition of the funds of the City and when and for what required, and a detailed statement of the receipts, expenditures and financial condition of the City; all the debts to be paid and moneys required to meet the estimated expenses of the City.

(39) Sec. 6. He shall appoint, subject to the approval of the City Commission, a Deputy Clerk, who shall hold office during the pleasure of the City Clerk and who shall

receive a salary to be fixed by the City Commission. The Deputy Clerk shall exercise, in the case of the absence, death or temporary disability of the City Clerk, all of his powers and duties.

### **TREASURER**

(40) Sec. 1. The Treasurer shall receive and have the custody of all moneys belonging to and receivable by the City. He shall keep an accurate account of all receipts and disbursements. For all moneys received by him, except for general or special taxes, he shall give duplicate receipts, one to the party paying the money and the other to the City Clerk, specifying the purpose for which the money was paid and the fund or account to which it belongs. He shall pay no money out of the treasury, except on a warrant duly drawn and countersigned by the Mayor. Each warrant shall specify the purpose for which the amount thereof is to be paid, and the fund or account to which the same is to be charged, except that on the first day of March in each year, or within ten days thereafter, he shall pay over to the County Treasurer the amount of all state and county taxes collected by him. The fee provided by law for collecting state, county and school taxes shall belong to the City. The Treasurer shall perform such other duties as this charter or the City Commission may prescribe.

(41) Sec. 2. Subject to the approval of the City Commission, the Treasurer shall appoint such clerks or assistants as may be necessary to transact the business of his department. Their salaries shall be fixed by the City Commission.

### **SCHOOL INSPECTORS**

(42) The members of the Board of Education of the Union School District of the City shall be ex-officio the school inspectors of the City, and shall perform such duties for the City and for the public schools as are required of school inspectors elected in townships so far as such duties are applicable. They shall receive no compensation from the City.



## SUPERVISORS

(43) Sec. 1. There shall be one Supervisor from each ward, including the one designated as Assessor, all of whom shall be appointed by the City Commission during the month of January of each year, and who shall assume their offices on the first day of February of each year and continue in office during the pleasure of the City Commission, not to exceed one year thereafter unless reappointed. Vacancies may be filled by the City Commission at any time.

(44) Sec. 2. Said Supervisors shall represent the City on the Board of Supervisors of Jackson County and shall perform such other duties as the Supervisors of townships, under the general laws, are required to perform, except as those duties are delegated by this charter to the Assessor or other officials. They shall perform such other duties as may be required by this charter or by the City Commission.

## CITY ATTORNEY

(45) The City Attorney shall be the legal adviser of all the City officials. He shall represent the City in all legal proceedings or matters in which the City is interested. He shall prosecute offenses against the ordinances of the City and shall attend the meetings of the City Commission, when required by the City Commission.

## PURCHASING AGENT

(46) Sec. 1. The City Commission shall designate some officer of the City, other than the Treasurer, to act as its Purchasing Agent, by whom all purchases of supplies for the City shall be made and who shall approve of vouchers for the payment of the same. Such Purchasing Agent shall also conduct all sales of personal property which the City Commission may authorize to be sold, on account of having become unnecessary or unfit for the City's use.

(47) Sec. 2. All purchases and sales shall conform to such regulations as the City Commission may from time to time prescribe, but in any case if an amount in excess of five hundred dollars is involved, opportunity for free competition shall be given. He shall see to the delivery of supplies to each department. Unless the City



Commission shall otherwise provide the City Manager shall act as such Purchasing Agent.

## SALARIES

(48) Sec. 1. The Mayor shall receive an annual salary of \$750.00 and the other Commissioners shall each receive an annual salary of \$500.00, payable in each case in monthly installments.

(49) Sec. 2. The City Commission shall fix by ordinance the salary or rate of compensation of all regular officers and employes of the City entitled to compensation, other than their own, except as otherwise provided in this charter.

(50) Sec. 3. The wages of laborers and casual employes, unless otherwise provided, shall be fixed by the City Manager, subject to the approval of the City Commission. The salaries of all officials and employes whose offices or positions are continued in this charter shall remain as now fixed until otherwise determined.

## OFFICIAL BONDS

(51) Sec. 1. The Mayor and Commissioners, before entering upon the duties of their offices, shall each give a bond for the faithful performance of their respective duties, in the sum of ten thousand dollars, said bond to be approved by the Justice of the Peace and filed with the City Clerk.

(52) Sec. 2. The City Commission shall require the Treasurer, City Clerk and City Manager to give bonds for the faithful performance of their respective duties and the accounting for all the moneys or property of the City which may come into their hands, in such amounts as it may determine, to be approved by said City Commission, and it may provide that any other officer or employe of the City shall give like bonds. All such bonds when approved by the City Commission shall be filed with the City Clerk, except the bond of the City Clerk which shall be filed with the Treasurer.

(53) Sec. 3. All bonds required of City officials shall be those of surety companies authorized to do business in this state, provided such bonds can be obtained, and the premiums therefor shall be paid out of the city treasury.

## QUALIFICATIONS OF CITY OFFICIALS

(54) Sec. 1. No person shall be elected or appointed to any office unless he be a citizen of the United States, and, except as provided in the next section, he shall also be an elector of the City of Jackson. The Supervisors shall be electors of the wards, respectively, from which they are appointed.

(55) Sec. 2. The City Manager shall be a man of good business and executive ability, and, if practicable, a civil or mechanical engineer. He may or may not be a resident or elector of the City at the time of his appointment, but other things being equal, preference shall be given to a citizen of Jackson. In the case of other appointive officers requiring special technical skill, such as City Engineer, Health Officer, or Librarian, the City Commission may, if need be, appoint non-residents of the City.

(56) Sec. 3. The members of the City Commission and Assessor shall at the time of their election or appointment have resided at least five years in the City of Jackson.

(57) Sec. 4. The City Attorney shall be an attorney at law licensed to practice in the supreme court of Michigan and shall have practiced at least five years at the Jackson County bar.

(58) Sec. 5. No member of the City Commission shall during his term of office hold any other City office, except as otherwise provided in this charter.

(59) Sec. 6. No official position shall ever be given to any one who is in default to the City.

## ADVISORY COMMITTEES

(60) The City Commission may at any time appoint an Advisory Committee or committees of citizens, qualified to act in an advisory capacity to the City Commission, the City Manager or the head of any department, with respect to the conduct and management of any property, institution or public function of the City. The members of any such committee shall serve at the pleasure of the City Commission and without compensation, and their duty shall be to advise with such municipal officers and make written recommendations which shall become part of the records of the City.

## CITY COMMISSION—POWERS AND DUTIES

(61) Sec. 1. The City Commission shall be the legislative body of the City. Wherever in the general laws or local acts applicable to this City, not repealed by this charter, certain powers are conferred upon common councils, aldermen, or the legislative bodies of cities, the same may be exercised by the City Commission.

(62) Sec. 2. The City Commission shall have power by appropriate ordinances or resolutions to carry into effect any power vested in the City by this charter or the general laws.

(63) Sec. 3. The City Commission shall cause all the records of the City, and all proceedings of the City Commission, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the City, or to the official acts of any officer of the City, unless required by law or by this charter to be kept elsewhere, to be deposited and kept in the office of the City Clerk, and to be so arranged, filed and kept as to be convenient of access and inspection, and all such records, books and papers shall be subject to inspection by any inhabitant of the City, or other person interested therein, at all reasonable times. Any person who shall wilfully secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import thereof from being known, shall, upon conviction thereof, be punished by imprisonment not longer than ninety days, or by fine not exceeding five hundred dollars, or by both, in the discretion of the court.

(64) Sec. 4. The City Commission shall audit, pass upon, and allow or reject all accounts and claims against the City; and, when required by the City Commission, every claim arising out of contract shall be accompanied with an affidavit of the person rendering it, to the effect that he believes that the services or property therein charged have been actually performed or delivered for the City, that the sums charged therefor are reasonable and just, that to the best of his knowledge and belief no set-off exists nor has any payment been made on account thereof, except such as are endorsed on or referred to in such account or claim. Every such account shall exhibit in



detail all the items making up the amount claimed and the true date thereof. Every claim for tort shall so far as possible state in detail the time, place and cause of the alleged injury and shall be made under oath. All claims, whether arising out of contract or tort, shall be presented to the City Commission for consideration within six months after the cause of action in each case has arisen. It shall be a sufficient defense to any action for the collection of any demand or claim against the City, that it has not been presented to the City Commission for allowance as hereinbefore provided, or that the claim was presented without the affidavit aforesaid, and rejected for that reason, or that the action or proceeding was brought before the City Commission had a reasonable time after the presentation of the claim to investigate and pass upon it.

(65) Sec. 5. Subject to the limitations of this charter and of the general laws, the City Commission shall have power:

First—To make all such ordinances and regulations as it may deem necessary for the public welfare, health, safety and good government of the City and to protect the persons and property of its inhabitants. The enumeration of certain specific powers in this charter shall not be deemed to be exclusive.

Second—To provide by purchase, lease, condemnation, construction or otherwise, and to establish, hold, equip, maintain, conduct and operate libraries, reading rooms, art galleries, museums, kindergartens, playgrounds, baths, public toilet and comfort stations, markets, market houses, water works, municipal lodging houses, infirmaries, hospitals, free employment bureaus, jails, police stations, fire houses, crematories, morgues, street cleaning and sprinkling outfits, works or plants for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of any public building, work, improvement or utility, and any and all buildings, establishments, institutions and places which are necessary or convenient for the transaction of public business or for promoting the health, morals, or welfare of the inhabitants of the City, or for their recreation or benefit.

Third—To provide for supplying the City and its inhabitants with water, gas and electricity for light,



power or heat, and to acquire by purchase, lease, condemnation or otherwise, or construct and to own, maintain, equip and operate, within or without the City, water works, and works or plants for the production, transmission or distribution of gas, water, electricity, heat or power, in any of their forms.

Fourth—To provide for supplying surplus water, gas or electricity, belonging to the City, or the surplus product of any public utility conducted or operated by the City, to consumers outside of the city limits, to an amount not to exceed in the aggregate twenty-five per cent of that furnished by it within the corporate limits.

Fifth—To fix and collect rates or charges for the public use of and for all products of, or service by any public utility, conducted or operated by the City.

Sixth—To receive bequests, gifts and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gift or donation.

Seventh—To direct and regulate by ordinance the construction of cellars, slips, barns, private drains, sinks, privies and cesspools and to compel the owner or occupant to fill, drain, cleanse, alter, relay or repair the same, and to pull down or remove any building, fence or structure which may be unsafe or likely to fall and injure persons or property, or cause the same to be done by some officer of the City, and to assess the expense thereof on the lot or premises on which the same are or were situated, but in all such cases, the actual expense upon or in front of each parcel of land shall be assessed to such parcel, and in all other respects the proceedings shall comply as nearly as may be with provisions of this charter relative to other special assessments.

Eighth—To suppress and prohibit prize fights, any and all forms of gambling, or fraudulent devices or practices, and all games of chance and gambling houses or places; and to authorize the confiscation and destruction of all instruments used for gambling and all articles or goods held, or kept, or offered for sale, contrary to law; also all obnoxious, offensive, immoral, indecent or disreputable shows, houses of ill fame, assignation houses, dis-

orderly houses, practices or places of business, and to punish the keepers thereof and landlords who knowingly rent the premises for such purposes.

Ninth—To compel any street railway company to maintain and sprinkle the streets occupied by its tracks, between its tracks and for at least two feet on either side thereof, and keep the same at all times in good repair, so that the surface of the roadbed between the tracks and on the outside thereof, for the distance above specified, shall be flush with the surface of the rail laid along said street; such maintenance shall be either by paving, graveling or macadamizing, in such manner as the City Commission may by resolution or ordinance determine. Should any such company neglect or refuse to perform such work within a reasonable time after notice is given it to do so, the City Commission may cause such work to be done and the cost thereof shall be a charge against said company and may be recovered from said company by the City in an action of assumpsit.

Tenth—To purchase, lease and sell real estate or personal property for corporate purposes, and may execute mortgages on the same for the purchase money remaining unpaid, and it may purchase, lease and hold for public purposes, any right to the flowage of water in Grand River, including any dam or water power in said stream, within Jackson County.

Eleventh—To punish loiterers, mendicants, street beggars, drunkards, and persons found drunk in any of the public streets or places in the City, disorderly persons and persons conducting themselves in a disorderly manner in any such public streets or places.

Twelfth—To prevent and punish violations of the Sabbath day.

Thirteenth—To provide for the inspection and regulate the sale of ice and all kinds of foods.

Fourteenth—To establish and maintain a city hay market and to maintain city scales.

Fifteenth—To license public weighers in the City of Jackson and to compel them to give a certificate of the weight of any article weighed by them.

Sixteenth—To regulate the prices to be charged for gas, heat or electricity, by all persons owning and operating in the streets and public places of the City, wires, pipes and conduits, and to regulate the manner in which

all telephone, telegraph, gas, heating, lighting and power companies shall use the streets, alleys and public places of the City.

Seventeenth—To regulate the keeping, selling and using of gun powder, firecrackers, fireworks and other combustible materials, the exhibition of fireworks, and the discharge of firearms, and to restrain the making or lighting of fires in the streets and other open spaces in the City; to prohibit and punish the use of toy pistols, sling-shots and other dangerous toys or implements within the City.

Eighteenth—To make needful rules and regulations for the collection of water rates and to enforce payment thereof by suit, and to provide for cutting off any delinquent consumer from a supply of water from the water works.

Nineteenth—To make rules and regulations for making connections with water mains, and to forfeit the license of any plumber making connections with any water pipe or extending any supply pipe or in any manner increasing the flow of water without a permit from the City.

Twentieth—To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same, and to designate and change the names of public streets, alleys and parks.

Twenty-first—To provide for, establish, regulate and preserve public fountains and reservoirs within the City, and fountains and basins for watering animals.

Twenty-second—To compel all persons or corporations owning, managing, operating or using wires or other means of conveying electrical currents, or electricity for any purpose, to return such current by aerial wiring or otherwise, so as to prevent electrolysis.

Twenty-third—To adopt ordinances regulating the use of soft coal for fuel, so as to prevent damage to persons and property, and provide penalties for violation thereof.

Twenty-fourth—To regulate by ordinance, the construction of any building or structure within the limits of the City, and to require a permit for the construction thereof and to have a thorough inspection and examination of such building or structure with reference to its condition, strength and safety, and for the safe and



speedy egress of persons therefrom, in case of sudden alarm or danger; and to require and issue permits for the use and occupation of any building or structure intended to be used for a work shop or factory and to require the owner or occupant thereof to equip the same with fire escapes; and to prevent the use of said building or structure for a factory or work shop until the regulations of the City Commission are complied with.

Twenty-fifth—To prohibit and prevent racing or fast and dangerous driving, or riding, in the streets and public places in the City; and all practices, amusements and doings having a tendency to interfere with the free and safe use of the public streets.

Twenty-sixth—To direct and regulate the planting and provide for the preservation of shade and ornamental trees, plants, flowers and shrubbery in the streets, parks, cemeteries and other public places.

Twenty-seventh—To regulate the inspection of all steam boilers used in the City for operating machinery or for heating purposes.

Twenty-eighth—To provide for, and change subject to general laws, the location and grade of street crossings of any railroad track, and to compel any railroad company or street railway company to raise or lower its tracks to conform to such grades as may be established by the City Commission from time to time, and to compel any railroad company or street railway company to construct, maintain and keep in repair street crossings in such manner, and with such protection of persons crossing thereat, and to light the same, as the City Commission may by ordinance require; also with the approval of the Railroad Commission of Michigan, and as provided by the general laws, to require and compel railroad companies to keep flagmen, or watchmen, at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light said crossings and to regulate, by ordinance, the speed of all locomotives, and railroad trains within the City, but said speed shall not be required to be less than six miles per hour, and to impose a fine of not more than one hundred dollars upon any railroad company, and upon any engineer or conductor violating any ordinance regulating the speed of locomotives or trains.



Twenty-ninth—To require and compel any railroad company or any street railway company to make, keep open and repair such ditches, drains, sewers and culverts, along and under or across their tracks, as may be necessary to drain its grounds and rights-of-way properly, and in such manner as the City Commission shall direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the directions of the City Commission, the City Commission may cause the work to be done at the expense of such company, and the amount of such expense may be collected from such company at the suit of the City.

### CITY DEPOSITARIES

(66) The City Commission may contract with any bank or banks, doing business in this City, to receive all city deposits and to pay interest thereon, but such contract shall not become effective until a bond has been executed to the City, in such amount and with such sureties as the City Commission may require, conditioned for the safe keeping and prompt payment of such deposits. Thereafter, the Treasurer shall deposit in such bank or banks all funds of the City, so long as such contract is in force, and, upon strict compliance with the direction of the City Commission in this regard, the Treasurer and his bondsmen shall be relieved from liability for any loss which the City may sustain by reason of the default of such bank or banks. In any such contract the City Commission shall reserve the right to terminate the same and to withdraw the deposits at any time.

### INDIGENT PERSONS

(67) Sec. 1. The City Commission may make such provision as it may deem expedient for the support and relief of poor persons residing in the City, and may prohibit and prevent all persons and associations from bringing to the City any pauper or other person likely to become a charge upon the City, and may punish therefor.

(68) Sec. 2. The City Commission may provide for the treatment, in any hospital within the City, of indigent sick or injured persons, and for the burial of de-

ceased indigent persons, the reasonable expenses thereof, in either case, to be paid out of the city treasury.

## PUBLIC HEALTH

(69) Sec. 1. The City Commission shall have and exercise for the City all the powers and authority conferred upon boards of health by the general laws, so far as the same are applicable to and consistent with this charter, and it may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority. The City Commission shall be known as the "Board of Health" when acting in that capacity, and the records of the Board of Health shall be kept separate from the records of the City Commission.

(70) Sec. 2. The City Commission may enact all ordinances deemed necessary by it for the preservation and protection of the health of the inhabitants of the City and to prevent the introduction or spreading of malignant, infectious or contagious diseases within the City, and for the removal of persons having such diseases or who from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the City limits or to such hospital or place of treatment within the City as the City Commission may prescribe, and the public safety require.

(71) Sec. 3. If any person, company or corporation, shall neglect to remove or abate any nuisance, or to perform any requirement of any ordinance or resolution of the City Commission or of the Board of Health for the protection of the health of the inhabitants, within the time prescribed therefor by said City Commission or Board of Health, said City Commission or Board of Health may cause the same to be done, and the expense thereof may be recovered by the City in an action of assumpsit against such person, company or corporation. The City Commission may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as it shall deem proper, upon the premises upon or on account of which such expense was incurred, or from which such nuisance was removed, and cause the same to be assessed upon such premises and collected as a special assessment.

(72) Sec. 4. The City Commission, when it shall deem it necessary, may from time to time assign, by ordinance, certain places within the City for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health, and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure, and whenever a business, carried on in a place so assigned or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the City Commission may prohibit the further exercise of such business or employment at such place.

(73) Sec. 5. The City Commission may purchase the necessary lands and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for appointment of the necessary officers, attendants, or employes, and for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the City Commission or Board of Health of the City shall seem proper; and by direction of the City Commission or Board of Health, persons having any malignant, infectious or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require, and the City Commission may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

(74) Sec. 6. The Health Officer shall have and exercise all the powers and authority conferred on health officers by the general laws or by ordinance, and shall perform all the duties therein required of such officers.

(75) Sec. 7. The City Commission may establish by ordinance a general system for the collection and disposal or reduction of garbage, at the expense of the City, and may let contracts therefor.

(76) Sec. 8. The City Commission or Board of Health may compel the owner or occupant of any grocery, fish market, soap factory, butcher shop, slaughter house, stable, feed or livery barn, sewer or any offensive, nauseous or unwholesome place or house, to cleanse or abate the same whenever the City Commission shall deem it necessary for the health, comfort and convenience of the inhabitants of the City.



(77) Sec. 9. The City Commission shall have power to cause any excavation, structure, public vehicle, building, premises, room, building place, sewer pipe, passage, grounds, matter or thing in said City regarded by said City Commission as in a condition dangerous or detrimental to public health or life, to be removed, cleansed, disinfected, altered or improved, and may also order any substance, matter or thing being or laid in any street, alley, excavation, building, erection, place or grounds, whether upon public or private property, regarded by said City Commission as dangerous or detrimental to public health, to be speedily removed or destroyed, and may designate the proper place to which same shall be removed, or the manner in which the same shall be destroyed, and in case of non-compliance with any order or ordinance so made or adopted, the City Commission, its officers or employes, may lawfully enter upon any premises to which said order or ordinance relates and suppress, remove or destroy the nuisance, or other matter deemed detrimental to public health. The expense thereof shall be a charge upon the occupant or occupants of said premises, and may be sued for and recovered in the name of the City, and the same shall be a charge against the owner or owners of the premises. The City Commission may cause the amount to be levied and assessed on the premises and against the owner or owners thereof, and the same may be collected in the same manner as other special assessments are collected.

### **CITY PHYSICIAN**

(78) The City Physician shall, when requested by the Board of Health, Health Officer or City Manager, treat the indigent sick of the City. He shall perform such other duties as may be required by ordinance or by the City Commission.

### **CITY MARKETS**

(79) Sec. 1. The City Commission shall have the power to erect market houses, establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants, to prescribe the time for opening and closing the

same, the kind and description of articles which may be sold and the stands to be occupied by the vendors.

(80) Sec. 2. The City Commission may adopt and enforce such rules and regulations as may be necessary to prevent fraud and preserve order in the markets, and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any article in his possession, and may authorize the seizure and destruction of tainted, unsound or unwholesome meats, or other provisions exposed for sale therein or elsewhere in said city.

## POUNDS

(81) Sec. 1. The City Commission may provide and maintain one or more pounds within the City and may provide for one or more Pound Masters and prescribe their duties, powers and compensation, and may authorize the impounding of all beasts or fowls found in the streets or otherwise at large contrary to any ordinances of the City.

(82) Sec. 2. The City Commission may prescribe the fees for impounding and the amount or rate of expense for keeping, charges to be paid by the owner or keeper of the beasts or fowls impounded, and may authorize the sale of such beasts and fowls for the payment of such fees, expenses and charges and for the penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

## CITY LIBRARY

(83) Sec. 1. The City Commission shall have the power to accept for and in behalf of the City all gifts and donations made or tendered to the City by any person or corporation for the purpose of erecting and constructing a public library or libraries in the City, and shall have the power in behalf of the City to accept and agree to any reasonable terms and conditions upon which such gifts or donations are made or tendered, and by their action to bind the City to the performance of such terms and conditions, and said City Commission may acquire, purchase, lease and own for the use of the City such real estate as may be necessary for public buildings and buildings for public libraries and other purposes necessary or

convenient for the public good, and to erect necessary buildings therefor.

(84) Sec. 2. The City Commission shall raise and appropriate not less than seven thousand dollars in each and every year for the equipment and maintenance of the public library.

### THE INITIATIVE

(85) Sec. 1. Any proposed ordinance may be submitted to the City Commission by petition signed by qualified electors of the City equal to ten per cent of the total vote for all candidates for Mayor at the last preceding municipal election. The petition shall show the ward and street number of the signers and date of signing, and the circulator of said petition, or his part thereof, shall attach an affidavit thereto that said signatures are genuine and the signatures of qualified electors.

(86) Sec. 2. If the petition accompanying the proposed ordinance be signed by the required number of qualified electors and contains a request that said proposed ordinance be submitted to the vote of the people, if not passed by the City Commission, the City Commission shall within twenty days after said petition is filed with the City Clerk either:

(a) Pass the ordinance without alteration (subject to the referendum) or

(b) Call a special election, unless a general or municipal election is fixed within ninety days thereafter, and at such general, special or municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

(87) Sec. 3. Whenever any proposed ordinance is required by this charter to be submitted to the voters of the City at any election, the City Commission shall cause said proposed ordinance to be published in full in one or more of the daily newspapers of the City for five days, the first publication to be at least ten days before the election.

(88) Sec. 4. The ballots to be used when voting upon such proposed ordinance shall contain the substance of such ordinance, in distinct and easily legible type, with the words "Yes" and "No" printed below in separate lines. The elector shall designate his vote by a cross placed in the square (☒) in front of the word



"Yes" or the word "No" under such ordinance. If a majority of the qualified electors, voting on said proposed ordinance, shall vote in favor thereof, the same shall thereupon become an ordinance of the City.

(89) Sec. 5. Any number of proposed ordinances may be voted on at the same election, in accordance with the provisions of this subject.

(90) Sec. 6. The City Commission may submit a proposition for the repeal or amendment of any ordinance so adopted by electoral vote, at any succeeding election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance so adopted by electoral vote cannot be repealed or amended except by electoral vote.

### THE REFERENDUM

(91) Sec. 1. If at any time, after the passage of an ordinance and prior to its taking effect, a petition signed by qualified electors of the City, equal in number to at least fifteen per cent of the total vote for all candidates for Mayor at the last preceding municipal election, be filed with the City Clerk, protesting against the going into effect of the ordinance mentioned in said petition, the same, unless it be an emergency ordinance, shall thereupon be suspended from going into effect and it shall be the duty of the City Commission to reconsider such ordinance and if the same be not entirely repealed the City Commission shall submit the ordinance to a vote of the qualified electors of the City either at the next general or municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified electors voting on the same shall vote in favor thereof.

(92) Sec. 2. The said petition shall show the ward and street number and date of signing and shall have an affidavit attached as provided in Section 1 under the subject "The Initiative."

(93) Sec. 3. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it

shall be considered repealed as regards any further action thereunder, but such measure so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expense incurred previous to the referendum vote thereon.

(94) Sec. 4. The City Commission may, of its own motion, submit to electoral vote, for adoption or rejection, at any election any proposed ordinance, contract or measure in the same manner and with the same force and effect as is provided under the subject of "The Initiative." If the provisions of two or more proposed ordinances or measures adopted or approved at the same election conflict, then the ordinance or measure receiving the highest affirmative vote shall control.

### THE RECALL OF ELECTIVE OFFICERS

(95) Any elective officer may be removed by the qualified electors of the City, at the time and in the manner provided by the general laws.

### REGISTRATION

(96) Sec. 1. The registration of voters shall be in accordance with the general laws except as herein otherwise provided. A registration shall be held in each precinct on the second Tuesday preceding any election, except that in cases where there is no primary election to be held it may be held on the first Tuesday preceding the election if so ordered by the City Commission. Provided, that a general registration shall be made on Monday and Tuesday of the second week preceding the general fall election in 1916 and once in every four years thereafter on corresponding days.

(97) Sec. 2. The City Commission shall appoint two or more electors from each precinct who shall constitute the Board of Registration in their respective precincts. The Supervisors may be so appointed in the precincts in which they reside.

(98) Sec. 3. The Board of Registration shall be in session in their respective precincts at such places as shall be designated by the City Commission from seven o'clock in the forenoon until eight o'clock in the afternoon of said days. Notice of the time and places of such registration shall be given by the City Clerk as provided in the general laws.

(99) Sec. 4. The City Clerk shall provide suitably bound books or registers, one for each election precinct, so made and arranged as to contain an alphabetical list of the names, Christian or baptismal, and the surnames in full of all persons who under the constitution of the state are electors and entitled to vote, residing in their respective precincts at the date of registration, together with the elector's residence by the number of the dwelling, the name of the street, if any, and if none, the description of the locality of the same.

### PRIMARIES

(100) Sec. 1. No partisan primary election shall be held for the nomination of any elective municipal officer.

(101) Sec. 2. A primary election for the nomination of candidates for municipal offices shall be held on the second Tuesday before the election and shall be conducted and regulated as near as may be as prescribed by law for the conducting and regulation of general elections. The Boards of Registration shall also act as Inspectors of Primaries. The registration and primary elections shall be held at the same places and during the same hours.

(102) Sec. 3. The provisions of this charter under the subject "Elections" shall apply to all non-partisan primary elections held in this City, with respect to giving notice of the election, fixing places for holding such election, providing the ballot boxes with necessary equipment and supplies. The Inspectors shall have all the powers and duties of inspectors at charter elections. All expenses of such non-partisan primary elections shall be defrayed in the same manner as the expenses of an election.

(103) Sec. 4. To obtain the printing of the name of any candidate for any elective office on the official primary election ballots, for use in the City, there shall be filed with the City Clerk at least seven days before the primary, nominating petitions, which shall be signed in the case of each candidate by not less than one hundred and not more than one hundred and fifty qualified electors of the City. Each elector signing said petitions shall give his name, residence, street number and the date of signing. It shall be unlawful for any person to sign more than one such nominating petition for the same office, except when there are two or more candidates to be



elected to the same office, when he may sign as many petitions as there are persons to be elected for such office.

(104) Sec. 5. Nominating petitions shall be substantially in the following form:

“We, the undersigned qualified electors of the City of Jackson, hereby nominate .....  
who resides at No. .... Street, in  
said city, as a candidate for the office of.....  
to be voted for at the non-partisan primary to be held on  
the ..... day of ..... 19....”

(105) Sec. 6. The City Clerk shall prepare and keep on hand blank forms of the nominating petitions above described, for the use of voters and candidates. All such nominating petitions shall be open to public inspection after being filed in the office of the City Clerk.

(106) Sec. 7. The City Clerk shall keep a public record of the nomination petitions filed, in a book for that purpose, which record shall indicate the names of the candidates, the number signing each petition, the offices sought and the date when such nominating petitions were filed.

(107) Sec. 8. Immediately upon the expiration of the time for filing the petitions for candidates, the City Clerk shall cause to be published for three successive days in two of the daily newspapers of the City, the names of all candidates in whose behalf petitions have been filed in compliance with this charter, and shall cause the primary ballots to be printed and numbered consecutively as provided for the numbering of ballots by the general election laws.

(108) Sec. 9. The form of the primary ballot shall be similar to the form prescribed by the general laws for the use of primary elections, except that there shall be no party designation or insignia. The names of the candidates for Mayor shall appear first and the names of the candidates for Commissioners shall follow. If candidates for Police Judge are to be nominated the names of the candidates for that office shall appear last.

(109) Sec. 10. No candidate's name shall be printed upon said official primary ballot unless all the requirements of this charter have been observed in his behalf. The provisions of the general laws for transposing and alternating the names of candidates shall apply to said

ballots. Having caused said ballots to be printed as aforesaid, the City Clerk shall cause to be delivered at each polling place a number of said ballots equal to fifty per cent more than the number of votes cast in such polling precinct at the last general municipal election for Mayor. Electors who are qualified to vote at municipal elections shall be qualified to vote at such primary elections, and the law applicable to challenges at the general elections shall be applicable to challenges to such primary elections.

(110) Sec. 11. The Inspectors of Elections shall, immediately upon the closing of the polls, publicly count the ballots and ascertain the number of votes cast in their precinct for each of the candidates, and announce the same and make return thereof to the City Clerk upon proper blanks therefor, furnished by the said clerk. On the day following the primary election, the City Clerk and Treasurer shall canvass said returns so received from all the voting precincts, and shall ascertain and publish in all the daily newspapers of the City at least once, the result thereof: Provided, that the Recorder and City Treasurer shall act as such canvassing board at the municipal primary in the fall of 1914. The two candidates receiving the highest number of votes for Mayor shall be the candidates, and the only candidates whose names shall be printed upon the ballots for Mayor at the next succeeding municipal election; and the four candidates receiving the highest number of votes for members of the City Commission, shall be the candidates and the only candidates whose names shall be printed upon the ballots for Commissioners, at such election: Provided, however, that at the first primary under this charter, nominations shall be made for Commissioners for the term of one year and Commissioners for the term of three years and the four candidates having the highest number of votes for the term of one year shall be deemed to be the candidates at the municipal election for that term and the four candidates having the highest number of votes for the term of three years shall be deemed to be the candidates at the municipal election for that term. If there are nominations for Police Judge or Justice of the Peace the two candidates receiving the highest number of votes for either of those offices shall be the candidates, and the only candidates, respectively, whose names

shall be printed upon the ballots at the next election for Police Judge or Justice of the Peace as the case may be.

## ELECTIONS

(111) Sec. 1. All elections shall be conducted, as nearly as may be, in accordance with the general laws relating to elections, except as otherwise provided herein.

(112) Sec. 2. The inhabitants of the City, having the qualifications of electors under the constitution and general laws, shall be electors therein.

(113) Sec. 3. Each precinct shall be an election district, and elections shall be held at such places therein as the City Commission shall designate. The residence of an elector shall be the precinct in which he lodges.

(114) Sec. 4. The City Commission shall appoint four Inspectors of Election for each precinct, who shall be electors of the precinct in which they are appointed. In case of the absence of any Inspector at the time for the opening of the polls, the vacancy shall be filled by the electors present. All Inspectors shall take the constitutional oath of office before entering upon their duties.

(115) Sec. 5. Suitable ballot boxes, with locks and keys, shall be provided by the City Clerk, at the expense of the City, and by him deposited with the Inspectors of each election precinct prior to the opening of the polls.

(116) Sec. 6. The City Clerk and Treasurer, acting as a board of canvassers, on Friday next succeeding any election, at two o'clock in the afternoon, at the regular place of meeting of the legislative body of the City, shall open and canvass the returns certified to the City Clerk, as hereinafter provided, and declare the result of the election: Provided that, in respect to the municipal election to be held in December, 1914, the Recorder shall perform all duties herein required of the City Clerk.

(117) Sec. 7. On the first Tuesday after the first Monday in November of all odd numbered years, there shall be a general municipal election under this charter, at which election there shall be elected a Mayor and two Commissioners, whose term of office, in each case, shall commence on the first day of January next following: Provided, that the first election under this charter shall be held on the eighth day of December, 1914, at which time there shall be elected a Mayor, and two Commis-



sioners for the term of one year, and two Commissioners for the term of three years.

(118) Sec. 8. The ballots for municipal officers shall be separate from any other ballots and shall be without party insignia or designation and shall be in the same general form as for non-partisan primary elections therefor so far as applicable.

(119) Sec. 9. The Inspectors of Election shall proceed publicly to canvass the votes and declare the result immediately after the closing of the polls, and before adjourning they shall sign and seal a full and true return of the results of the same and file the same with the City Clerk. The poll list and all ballots and a copy of the return signed by them shall be deposited in the ballot box, which shall be locked carefully, sealed and delivered to the City Clerk immediately upon the adjournment of the Inspectors.

(120) Sec. 10. The candidate receiving the highest number of votes for the office of Mayor shall be elected to that office and the two candidates receiving the highest number of votes for Commissioners shall be elected members of the City Commission: Provided, that at the first election under this charter, the two candidates for Commissioners for the term of one year receiving the highest number of votes and the candidates for Commissioners for the term of three years receiving the highest number of votes shall be elected members of the City Commission.

(121) Sec. 11. The expense of elections shall be paid by the City in the same manner as other contingent expenses.

(122) Sec. 12. When changes shall be made in any election precinct or a new election precinct shall be formed in whole or in part from the territory of other precincts, the Boards of Registration of the respective precincts, affected by the change, shall meet within ten days after such change or formation of such new precinct, and the name of each registered elector known to have been transferred by such change from one election precinct to another election precinct, or to a new precinct, shall be copied into the register of the precinct to which the transfer was made, and be stricken from the register of the election district from which the elector was transferred by the change.

(123) Sec. 13. When a new election precinct shall be formed, the Board of Registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein. Notice of the formation of such election precinct, and that a new register of the electors will be made at that session shall be given with the notice required by law to be given of such session of the board.

(124) Sec. 14. All state, district and county elections in the City shall be conducted as nearly as may be in the manner provided herein for the election of City officers, and the polls shall be kept open for the time required by the general laws.

(125) Sec. 15. Special elections, not exceeding two in one year, may be called by resolution of the City Commission and held at such times and places as the City Commission shall designate, the purpose and object of which shall be fully set forth in the resolution calling such election and in the notice of election. The proceedings and manner of holding special elections shall be the same as in the case of regular elections.

(126) Sec. 16. Notice of the time and places of holding any election and of the officers to be elected and the propositions to be voted upon shall, except as herein otherwise provided, be given by the City Clerk at least eight days before any such election, by posting such notices in three public places in each election precinct, and by publishing a copy thereof in a daily newspaper published in the City the same length of time before the election, and in case of a special election the notice shall set forth the purpose and object of such special election as fully as the same is required to be set forth in the resolution calling same.

## FINANCE AND TAXATION

(127) Sec. 1. The fiscal year shall begin on the first day of January in each year unless otherwise provided by ordinance.

(128) Sec. 2. The City Commission shall have authority to raise annually by general taxation such sums of money as may be necessary to defray all expenses and pay the liabilities of the City, including the amount provided for the interest and sinking fund and to carry into effect the powers granted by this charter, not exceed-

ing one per cent of the assessed valuation of the City in any one year.

(129) Sec. 3. The revenues raised by general tax upon all the property in the City, or by loan to be paid by such tax, shall be divided into the following general funds:

First. Contingent Fund—To defray the contingent and other expenses of the City for the payment of which no other provision is made.

Second. Fire Department Fund—To defray the expenses of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department.

Third. General Street Fund—To defray the expenses of opening, widening, extending and altering streets, alleys and public grounds; for paving, repaving and repairing the same when not provided for by special assessment; for cleaning and sprinkling public streets, alleys and grounds and for the construction and repair of crosswalks, and paving gutters.

Fourth. General Sewer Fund—To defray the expenses of sewers, drains, ditches, and drainage, when not provided for by special assessment, and the improvement of water courses.

Fifth. Bridge Fund—For the construction and maintenance of bridges and culverts.

Sixth. Water Fund—For constructing reservoirs and cisterns, and providing other supplies of water; for maintaining water works and extending water pipes.

Seventh. Public Building Fund—For providing for public buildings, including library buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city halls, offices, prisons, watch houses, and hospitals, as the City Commission is authorized to erect and maintain, and not herein otherwise provided for.

Eighth. Police Fund—For the maintenance of the police of the City and to defray the expenses of the arrest and punishment of those violating the ordinances.

Ninth. Cemetery Fund.

Tenth. Park Fund.

Eleventh. Hospital Fund.



Twelfth. Interest and Sinking Fund—For the payment of the public debt of the City and the interest thereon.

Thirteenth. Sidewalk Fund—For the construction, repairing and cleaning of sidewalks.

Fourteenth. Lighting Fund—For lighting streets, parks and other public places.

Fifteenth. Such other general funds as the City Commission may from time to time constitute.

(130) Sec. 4. Revenues and moneys raised by taxation in special districts of the City shall be divided into special funds. Any money raised by special assessment levied in any special assessment district to defray the expenses of any work, paving, sewer, sidewalk, or other improvement, or repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised; and whenever any special assessment shall be confirmed by the City Commission and ordered to be levied or collected, the City Clerk shall transfer to the said special fund any sum of money that may have been appropriated by the City Commission from any general fund for defraying a portion of the cost of the particular improvement, work or repairs, for which the said assessment was made.

(131) Sec. 5. The City Commission may at any time after the first day of September in each year, anticipate the collection of the tax of the succeeding year, appropriated to the general street fund, to an extent not exceeding fifty per cent of that fund in the preceding budget, for the purposes of the general street fund, and to issue certificates of indebtedness payable out of such tax, in payment of the same.

(132) Sec. 6. The City Commission shall raise annually not less than one and one-half mills on the dollar of the assessed valuation of the property in the City to provide an interest and sinking fund to pay the funded debts of the City and interest thereon: Provided, however, that not less than twenty-five per cent of the amount realized from the sale or use of water shall be set apart by the City Commission as a sinking fund for the payment of the bonds issued by the City for the maintenance, extension or repair of the water works and the interest accruing thereon, and so much of the receipts thus realized from the sale or use of water as shall not

be set apart as aforesaid shall be used for the maintenance, repair, improvement and extension of the water works, and for no other purpose, unless the City Commission shall, by a vote of four of its members, otherwise order by resolution.

(133) Sec. 7. The City Commission shall provide for a system of accounting which shall conform to any uniform system required by law, and for the auditing of the accounts of the City. At least once a year there shall be an audit by an expert accountant who is not a regular employe of the City.

## THE ANNUAL BUDGET

(134) Sec. 1. On or before the fifteenth day of September of each year the City Manager shall submit to the City Commission an estimate of the expenditures and revenues of the City for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments. The classification of the estimate shall conform as nearly as may be to the various funds provided for in Section 3 of the subject "Finance and Taxation" of this charter. The City Manager shall make a recommendation as to the amounts to be appropriated for each fund with the reasons therefor, and such detail as the City Commission may direct.

(135) Sec. 2. Upon receipt of such estimate the City Commission shall prepare an appropriation resolution, to be known as the "Annual Budget," but before adopting such tentative appropriation, the City Commission shall fix a time and place for holding a public hearing thereon and shall give notice of such hearing. The City Commission shall not pass the budget until five days after such public hearing. The budget shall be adopted not later than October 15 of each year: Provided, that the budget for 1915 shall be presented and adopted as soon as practicable after January 1, 1915.

(136) Sec. 3. The City Commission may transfer any part of an unencumbered balance of an appropriation to a purpose for which the appropriation for the current year has proven insufficient or may authorize a transfer to be made between items appropriated to the same fund.

(137) Sec. 4. The City Commission shall specify in the annual budget the purposes for which such appropriations are made, and the amount appropriated for each

purpose and to each of the general or special funds. It shall also designate in said budget the amount or part of any special assessment, or other sum, which may be required to be levied or re-assessed with the next general tax and the disposition to be made of such moneys. It shall also designate in said budget any local improvement which it shall deem advisable to make during the ensuing fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof; and shall, at the same time by resolution, levy the aggregate of the taxes mentioned in such budget upon the taxable property within the City.

(138) Sec. 5. Such resolution shall declare that each and every item of construction or repairs therein provided for, is determined by the City Commission to be a necessary public improvement, and no further declaration in that regard shall be required.

## BONDING

(139) Sec. 1. The bonded indebtedness of the City shall not at any time hereafter exceed three per cent of the real and personal property therein according to the assessed valuation thereof, unless such limit shall be raised or lowered by a two-thirds vote of the electors voting on the question, at a regular or special election, and no bonds shall be issued without providing a sinking fund to pay them at maturity, but no sinking fund shall be required in the case of serial bonds which fall due annually.

(140) Sec. 2. In case of fire, flood or other calamity, the City Commission, by the affirmative vote of four of its members, may borrow, for the relief of the inhabitants of the City, and for the preservation of municipal property, a sum not to exceed one-tenth of one per centum of the assessed value of all real and personal property in the City, or in case of other unforeseen contingencies, a sum not exceeding five thousand dollars in one year, due in any case in not more than three years. If necessary to meet the ordinary running expenses of the City, as provided for in the budget, the City Commission, by the affirmative vote of four of its members, may anticipate the collection of taxes therefor, by loans payable not later than September 1st next following: Provided, that such



anticipated taxes, when collected, shall be used in repaying such loans and for no other purpose.

(141) Sec. 3. After the passage of the annual budget there shall not be raised or expended, or liability incurred, for any sum not covered by the budget, during the ensuing fiscal year, except as provided in the preceding section, and except the liability, not accruing within the year, upon contracts not prohibited by the provisions of Section 3 under the subjects "Contracts;" but if a greater amount be required in any year for the purpose of erecting public buildings or for the purchase of grounds therefor, or for other public improvements or purposes, to be paid for from the general funds of the City, than can be raised by the City Commission under the foregoing provisions of this charter, such amount may be raised by loan secured by the bonds of the City, if authorized by a majority vote of the electors voting on such question at any regular or special election. Such loan shall be payable at such times as the City Commission shall direct: Provided, that the City Commission may, by an affirmative vote of four of its members, authorize in any year an issue of bonds for the purpose of paying matured or maturing bonds of the City.

(142) Sec. 4. The proposition to raise such additional amount shall be submitted to a vote of the electors, by a resolution of the City Commission, approved by a vote of four of its members, distinctly stating the purpose of the proposed expenditures, and the amount proposed to be raised, which resolution when adopted, shall be published in the official newspaper of the City, and notice thereof posted in ten public places in each voting precinct in the City, at least eight days before the election at which the vote is to be taken.

(143) Sec. 5. The proceeds of any bond issue shall be paid into the City treasury and credited to the fund for which they are issued, and shall not be used for any purpose other than the purpose for which issued.

(144) Sec. 6. No loan, bond, or other evidence of debt, not expressly authorized by this charter, or any law hereby continued in force, shall be issued by the City.

(145) Sec. 7. The City Clerk shall keep a record showing the dates, numbers and amounts of all bonds

issued under the authority of this charter and when the same are due.

(146) Sec. 8. The City Commission shall incur no expense, nor create or pay any debt or liability, contrary to or not authorized by the provisions for this charter, and shall not appropriate, or use the moneys of the City, except as authorized by and in pursuance of law.

(147) Sec. 9. The faith, credit and property of the City shall remain pledged for the final payment of all bonds issued, and all money borrowed, by authority of and in accordance with this charter or any other law or ordinance heretofore in force.

### ASSESSOR

(148) Sec. 1. Upon the appointment of Supervisors in January of each year one of them shall be designated by the City Commission as the Assessor. His term of office shall begin on the first day of February of each year and he shall hold office during the pleasure of the City Commission, but not to exceed one year unless re-appointed. A vacancy in the office of Assessor may be filled by the City Commission at any time.

(149) Sec. 2. Said Assessor shall have and exercise the same powers and duties relating to the making of the assessment rolls as is given the supervisors of townships by the general laws, and he shall be governed by such laws, except as herein otherwise provided. He shall make an assessment roll for each ward and shall deliver such rolls to the Board of Review on the first Monday in May of each year.

(150) Sec. 3. All assessments shall be a lien upon the premises assessed when the roll is delivered to the Treasurer of the City for collection. If, by mistake or otherwise, any person be improperly designated as the owner of any lot, tenement or premises, such assessment or tax shall not for that cause be invalidated, but the same shall be a lien on such lot, tenement or premises and collected as in other cases. The Assessor shall have power and authority to demand of every person owning or having in charge as agent or otherwise any property taxable in the City, a list of such property with such description as will enable him to assess the same.

(151) Sec. 4. The Assessor and City Commission shall select and return from each ward of the City separate lists of grand and petit jurors to the Clerk of the county, in the same manner and within the same time as the like duty is required to be performed by the supervisors and clerks in townships.

(152) Sec. 5. The Assessor shall make all special assessments as hereinafter provided and perform such other duties as are prescribed by this charter or may be required by the City Commission.

### BOARD OF REVIEW

(153) Sec. 1. There shall be a Board of Review, consisting of three members, to be appointed by the City Commission, one in January of each year, and whose term of office shall commence on the first day of February next following and shall continue three years: Provided, that in January, 1915, three members of said board shall be so appointed, to serve for terms of one, two and three years respectively, commencing February 1, 1915. Vacancies in said board may be filled by the City Commission at any time.

(154) Sec. 2. The Board of Review shall meet at such place as may be provided for it in the City, on the first Monday in May of each year, and there proceed to review, amend or correct the assessments made by the Assessor and for that purpose said board shall have the same powers and perform the same duties in all respects as boards of review in townships in reviewing, amending and correcting assessments. Said board shall continue in session not less than five nor more than fifteen days, for the purpose of completing such review. Notice of the time and place of meeting of such board shall be given by the City Clerk, by publication in the official newspaper of the City, and by posting or causing to be posted five copies of such notice in each election precinct, at least one week before the time of the review.

(155) Sec. 3. The Board of Review shall have power and it shall be its duty to amend and correct any assessment or valuation and to place upon the assessment roll of the City any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said rolls any property, real or personal, wrongfully thereon. Any person considering him-



self aggrieved by reason of any assessment, may complain thereof either verbally or in writing before said board, and on cause being shown to the satisfaction of such board, it shall review the assessments complained of, and may alter and correct the same and may increase or diminish any assessment as justice may require. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of.

(156) Sec. 4. The board shall elect one of its members as chairman. The City Clerk shall be the clerk of said board. It shall be the duty of said clerk to keep a record of all the proceedings of said board in a book provided for that purpose, to make regular entries of all resolutions and decisions on all questions, to record the vote of each member on any question submitted to the board, if required by any member present, and to file and preserve all petitions, affidavits and other written documents presented to the board. No assessment shall be changed, except by a motion or resolution adopted by a majority of the members of said board, which motion or resolution shall state the amount at which the assessment is fixed as reviewed by the board. Each day's proceedings of said board shall be read, approved and signed by the chairman thereof. The Assessor shall attend all meetings of the Board of Review and shall give such information as shall be required of him, but shall have no vote.

(157) Sec. 5. At the conclusion of the review of said rolls said board shall attach its certificate signed by a majority of said board to said rolls showing they have been reviewed by said board as required in this charter. No person other than the members of said board shall make any change in or additions or corrections to said rolls. Said Board of Review shall keep said rolls carefully in its custody during the time it is in session, and at the conclusion thereof deliver said rolls duly certified to the City Clerk.

(158) Sec. 6. The City Clerk shall immediately proceed to make therefrom complete copies of such assessment rolls for the use of the City Commission, which shall be deemed the City assessment roll for that year. When such copies shall be completed, and within fifteen days after receiving such rolls, the City Clerk shall re-

deliver the same to the Assessor to be used for state, county and school purposes: Provided, that the City Commission may extend the time of redelivering said rolls as aforesaid not to exceed fifteen days.

### ASSESSMENT AND COLLECTION OF TAXES

(159) Sec. 1. It shall be the duty of the City Clerk, under the direction of the City Commission, whenever the assessment rolls shall have been completed, in each and every year, to assess the taxes that have been levied by the City Commission for the year upon the taxable property of the City, according or in proportion to the individual and particular estimate and valuation, as specified in the assessment rolls of the City for the year. He shall thereupon deliver to the Treasurer said assessment rolls with the taxes for the general funds of the City for the year annexed to each valuation and carried out in a separate column thereof, and if there be other taxes assessed than for said general funds, they shall be carried out in separate columns, and all special assessments required by the City Commission or by the provisions of this charter to be assessed against any description of land, shall be carried out in separate columns thereof, and the total amount of taxes and assessments shall be carried out in the last column of said rolls.

(160) Sec. 2. Whenever in consequence of a defective description or assessment of any lands, the same cannot be sold for city taxes of any year, the City Commission may cause such taxes to be reassessed upon said lands, with the next or any subsequent annual tax levy. It shall be the duty of the City Clerk to annually report to the City Commission such defective descriptions and assessments before the annual tax levy.

(161) Sec. 3. The City Commission shall have the power at any time after the rolls have passed into the hands of the Treasurer, by resolution, to direct the Treasurer to place upon the assessment and tax rolls any personal property within the City which has not been assessed, and for the purpose thereof the City Commission shall have the power of fixing the amount of such assessment, and it shall be the duty of the Treasurer to place the same upon the assessment rolls and to carry out opposite said assessment the amount of taxes according to the percentage on all other property in the City, and

the City Commission shall have the power, where land is platted or subdivided after being assessed, to reassess the total assessment upon the respective subdivisions: Provided, that before any such new assessment shall be placed on the roll or taxes spread thereon, the corporation or person so assessed shall be notified in such manner as the City Commission shall direct, and he shall have a reasonable time in which to appear before the City Commission, and the person so assessed shall have the right to file or make any objection thereto as he may desire, and the City Commission shall consider such objection and after any revision, change or alteration, shall by resolution confirm the same, but it shall have no authority to alter, revise or amend any assessment reviewed by the Board of Review. The taxes spread upon personal property shall be and remain a lien upon said property from the time of their assessment, and such lien shall take precedence of all mortgages and transfers made thereon after such assessment, and in the event of the sale of said property, or the attempted removal thereof from the City of Jackson, the Treasurer of the City shall have the power and authority to collect the amount of such personal tax, and the said treasurer shall proceed in like manner to collect said taxes as he might or could at the time the general rolls passed into his hands for collection.

(162) Sec. 4. Upon the completion of said tax rolls they shall be delivered to the Treasurer of the City. The Treasurer upon receiving such tax rolls shall give notice to the taxpayers of the City that the same have been delivered to him and that the taxes therein assessed can be paid to him at his office in the City at any time within thirty days after the giving of such notice, without charge for collection, which notice shall be given by publishing the same in two newspapers published in the City and by posting the same in at least three public places in each precinct in the City, and affidavits, showing the publication and posting of said notices shall be filed by him in the office of the City Clerk.

(163) Sec. 5. Immediately after the expiration of the time mentioned in said notice, the City Clerk shall deliver to the Treasurer a warrant under the hand of the City Clerk and the seal of the City, commanding him to collect from the several persons named in said rolls, whose



taxes remain unpaid, the several sums mentioned in the last column thereof, opposite their respective names, and in addition thereto one per cent upon all sums paid during the first month after the expiration of said notice and one per cent additional for each month or part of a month thereafter during which any sum shall remain unpaid, for collection expenses on or before the day specified in such warrant, and it shall authorize the Treasurer in case any person shall neglect or refuse to pay his tax and said collection expenses, to levy the same by distress and sale of the goods and chattels of such person: Provided, such warrant may be renewed or extended by the City Commission from time to time, but not to exceed six months from date of the original warrant.

(164) Sec. 6. The Treasurer, upon receiving the warrant mentioned in the preceding section, shall proceed to collect the taxes and assessments therein mentioned that remain unpaid and shall call upon each person whose taxes or assessments remain unpaid, if a resident of the City, at least once, and demand payment of the taxes and assessments charged to him upon said rolls, and percentage for the collection of the same, and in case of refusal or neglect to pay such taxes or assessments and collection percentage, the Treasurer shall levy the same by distress and sale of the goods and chattels of every such person, wherever found within the City, and may take any property that can be taken by township treasurers in the collection of taxes; he shall give the same notice and sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus shall be returned to the person in whose possession said property was when the distress was made. The Treasurer, if otherwise unable to collect a tax on personal property may sue the person, firm or corporation to whom it is assessed in the name of the City and garnishee any debtor or debtors of such person, firm or corporation, and the tax rolls shall be prima facie evidence of the debt sought to be recovered; and the Treasurer shall, within ten days after the time mentioned in his warrant for the collection of said unpaid taxes and assessments, return said tax rolls into the office of the City Clerk, and in case any of the taxes or assessments mentioned in said rolls shall remain unpaid, and he shall be unable to collect the same, he shall make out a statement of the taxes and

assessments remaining unpaid and due, with a full and perfect description of such premises from said rolls, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax or assessment. And thereupon and immediately upon the completion of such statement, the Treasurer shall file the same with the Treasurer of the County of Jackson, and thereupon all of the unpaid taxes upon real property set forth in said statement shall be collected under the general laws in the same manner and with like effect as delinquent lands returned by the township treasurers, but for the benefit of the City of Jackson, and the Treasurer of the City shall have the right to appear at the sale of such lands, if any shall be made by the County Treasurer, and bid the same in if necessary for the benefit of the City.

(165) Sec. 7. The Assessor shall perform the duties in and for the City that the supervisors of townships, under the general laws are required to perform in relation to the assessing of property and levying of taxes for state, county and school purposes, and he shall also deliver the tax rolls and issue the warrant to the Treasurer of the City for the collection of such taxes in the same manner as the supervisors of townships issue warrants to the treasurers of townships for the collection thereof. The Treasurer shall thereafter proceed with the collection of the taxes on said rolls in accordance with the general laws, and shall have the same power in this connection as a township treasurer, except that the fees for the collection of said taxes shall belong to the City and shall be by said Treasurer, paid into the city treasury.

(166) Sec. 8. All state, county and school taxes in the City, and all city and highway taxes shall be assessed and levied upon the same property, and collected, as near as may be, in the same manner as is provided by law for the assessment and collection of like taxes by township officers, except as herein otherwise provided, and all proceedings for the return, sale and redemption of real estate for the non-payment of taxes shall be in conformity with the proceedings for the return, sale and redemption of real estate by township officers, except as herein otherwise provided.

(167) Sec. 9. The Treasurer shall on the first day of December in each year give notice, by publication once in each week for two successive weeks in one newspaper published in the City, and by posting the same in three public places in each precinct, that the rolls are in his office, and the time when by law he will be authorized to receive the taxes thereon, but any defect in said notice or any omission to comply with the provisions of this section shall not invalidate said tax rolls or any measure thereafter to be taken to enforce collection of the taxes thereon.

(168) Sec. 10. The City Commission may refund taxes and assessments that have been illegally assessed or collected, and may vacate any such tax or assessment, and fix upon an amount to be received in lieu thereof; but no such action on the part of the City Commission shall in any way affect or invalidate any other tax or assessment levied or collected.

### PUBLIC GROUNDS

(169) Sec. 1. The City Commission may acquire, purchase, own, lease and maintain for the use of the City, such real estate as may be necessary for parks, cemeteries, playgrounds or for other public purposes. Such public grounds may be within or without the City.

(170) Sec. 2. The City Manager, subject to the ordinances and resolutions of the City Commission, shall have the management, supervision, care and improvement of all public grounds; shall have charge of the laying out, establishment, vacating and discontinuing such public grounds and the lighting and ornamenting of the same, and shall see that the same are protected from obstructions, encroachment, injuries and nuisances.

(171) Sec. 3. The City Commission may cause cemeteries to be platted and the plats thereof to be recorded in the office of the City Clerk, and shall fix the price of lots in said cemeteries. All deeds of conveyance of said property shall be executed in behalf of the City by the City Clerk and Mayor and be recorded in the office of the City Clerk at the expense of the purchaser thereof.

(172) Sec. 4. The City Commission shall make such regulations for the burial of the dead, the care, management and protection of the grounds, monuments and appurtenances of the cemeteries, buildings and other im-



provements in all parks or public grounds and for the public use and enjoyment thereof and the orderly conduct of persons therein, as may be consistent with the general laws.

(173) Sec. 5. All moneys raised by taxation for cemeteries and all moneys received from the sale of lots therein shall be paid into the city treasury to the credit of the cemetery fund, and all funds raised or received on account of other public grounds, public buildings or property, shall be paid into the city treasury to the credit of the park fund: Provided, that the City Commission may transfer any balance remaining in either of said funds at the close of the fiscal year to the contingent fund.

(174) Sec. 6. The owners of any lots or parcels of land in any cemetery, now or hereafter owned by the City of Jackson, within or without its corporate limits, may pay or donate to the City such sums of money as they may respectively deem sufficient for the perpetual care and preservation of lots or parcels of land, and the monuments, tombs, headstones, markers, urns and other personal property, used in connection therewith, which sums of money shall be received by the City in trust, to invest the principal and expend the net income annually, so far as sufficient for the purpose above specified, subject to the rules and regulations governing said cemeteries; but in case any such income shall be insufficient for all the purposes mentioned, the City Commission may apply the same so as to accomplish as nearly as may be the purpose of the donor. Such money may be paid or donated by the owner personally or as provided by his will, or by his heirs or any member of his family, or other persons desiring that the same be perpetually cared for, as herein provided. As the sums of money paid or donated from time to time will necessarily be small, and increase as time goes on, and the expense and labor of keeping them invested in safe and productive outside securities will be considerable, the City Commission, if deemed by it advisable, may, by ordinance, provide that instead of investing said principal in outside securities they shall constitute a trust fund which may be used by the City, and the City shall annually raise by taxation four per cent upon such trust fund, which shall be used and expended seasonably each year, so as to accomplish the purpose of

those paying or giving said money and add to the appearance of said cemetery, and for no other purpose whatever.

(175) Sec. 7. The Ella W. Sharp Park, in the Township of Summit, established by ordinance of the Common Council of the City of Jackson, adopted on the sixteenth day of March, 1914, shall continue to be a public park, and the City of Jackson shall perform all the trusts expressed in the will of Ella W. Sharp and said ordinance, by maintaining said park and museum in connection therewith, and investing the trust fund, as provided in her will and expending the income therefrom in caring for, improving and beautifying said park.

(176) Sec. 8. The City Commission may extend into said park, construct and maintain therein, sewers, drains, water courses, and water pipes, and use city water the same as if said park were located within the corporate limits of the City. It may also authorize the laying of gas pipes and construction of electric lines therein for lighting said park or other park purposes. The foregoing provisions, so far as applicable, shall include all parks and cemeteries outside the corporate limits of the City.

(177) Sec. 9. The City Commission shall have control of the execution of said trust and management of said park and the investment of said trust fund and the expenditure of the income therefrom, which trust fund shall never be mingled with any other funds; and shall, by ordinance, make such rules and regulations as may be by it deemed necessary, and for that purpose shall appoint three trustees, to be known as the "Trustees of the Ella W. Sharp Park Fund," for such terms as said City Commission shall determine, who shall have charge of the selling of any property, directed by said will to be converted into money, and the investment of the proceeds, and moneys not now invested, and the collection and expenditure of the income, in the care, management and beautification of said park and maintenance of said museum, with such other powers and duties as the said City Commission may deem necessary or desirable to carry out the provisions of said will and to give the public the greatest benefit and enjoyment from said park and museum. Such trustees shall give such bonds, receive such compensation and have such further authority as

the City Commission shall prescribe, and shall always be removable for cause.

(178) Sec. 10. The present commissioners, hereafter to be known as trustees, shall continue to hold office and act, under the provisions of said ordinance, so far as not inconsistent with the provisions of this charter, until the City Commission shall make other provision, by ordinance or otherwise.

(179) Sec. 11. All the police provisions and powers and other provisions of this charter and ordinances of the City, applicable to said park, shall be in force in said park, the same as within the city limits.

(180) Sec. 12. When authorized by the City Commission, the said trustees may invest said trust fund, in the bonds of the City of Jackson, except those payable from special assessments, when the rate of interest is as high as is being paid for similar municipal bonds, if deemed for the best interests of said trust fund; which bonds shall be of the same force and effect, in the hands of said trustees, as if held by or issued to third parties; but securities bearing a higher rate of interest and deemed equally safe, shall not be sold for investment in such bonds. Bonds issued under this provision shall not be transferred, except at par with accrued interest, and may be collected by the assignee the same as if originally issued to him.

(181) Sec. 13. The City Commission shall provide each year for the care of the cemetery lot, in Mt. Evergreen Cemetery, on which Ella W. Sharp is buried, and the monument and other gravestones, in such manner as is customary with well kept lots in said cemetery, and as will show proper regard for her memory.

## PUBLIC THOROUGHFARES

(182) Sec. 1. The City Manager, subject to the City Commission, shall have supervision of all streets, bridges, alleys, sidewalks, and other public places within the City and shall cause the same to be kept in repair and free from nuisance.

(183) Sec. 2. The City Commission shall not appropriate any money for the care, improvement or repair of any street or alley laid out or dedicated to public use until the dedication thereof shall have been accepted and confirmed by the City Commission, unless the said street



or alley has already been accepted or worked and used by the City before this charter takes effect.

(184) Sec. 3. The City Commission shall have authority to lay out, open, widen, extend, straighten, vacate or alter, clean, sprinkle or improve any highway, street, or alley in the City, whenever it shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this charter provided for taking private property for public use. The cost of such improvement may be met by special assessments upon the property adjacent to or benefited by such improvement, or in the discretion of the City Commission, a portion of such cost may be met by special assessments as aforesaid, and the balance from the general street fund, as provided in Section 27 of "Special Assessments." If for any reason the City Commission shall deem it for the interest of the City to alter or vacate any plat of lands in the City or any part of the same, or any street, alley, or public grounds, or any part of the same, it shall have power equally with the owner or owners of the lands platted, to apply to the circuit court of the county for such alteration or vacation, and it shall be a sufficient interest in that part of the plat, to authorize such an application, if it shall appear that the part of the street, alley or public grounds on the plat proposed to be altered or vacated, has been dedicated to the public: Provided, that if all persons interested in the entire plat or such part thereof as the City Commission shall determine will be affected by such vacation, shall file with the City Commission their written consent to its vacation, then the City Commission shall have power to vacate the same by resolution. Surveys shall be made of all such highways, streets, alleys or public grounds, and of all changes made therein and the same shall be recorded in the office of the City Clerk, in a book of street records.

(185) Sec. 4. The City Commission shall have power to provide by ordinance for the removal of obstructions or encroachments in public streets, alleys, parks and public places, and no title to or property rights in streets or public grounds or buildings in said city shall ever be gained by any encroachment thereon, or obstructions thereof, or by adverse possession thereof however long continued, nor shall the City be barred by reason

thereof from maintaining proper actions to assert its rights therein.

(186) Sec. 5. The City Commission shall have the power to determine and establish the grades of all streets, alleys, public grounds, and places within the City and to change or alter the grade of any street, alley or public ground or place, or any part thereof, whenever, in its opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, duplicate records and diagrams thereof shall be made in books provided by the City Commission for that purpose, one of which shall be kept in the office of the City Clerk and the other shall be kept in the office of the City Manager.

### THE APPROPRIATION OF PRIVATE PROPERTY

(187) The City Commission shall have power to acquire, purchase or condemn or to take private property for necessary public uses in the manner prescribed by the general laws.

### CONTRACTS

(188) Sec. 1. Before entering into any contract where the estimated cost of the work or materials to be furnished under said contract, shall exceed the sum of five hundred dollars, the City Commission shall advertise for sealed proposals therefor, and the contract shall be let to the lowest responsible bidder: Provided, that no contract shall be let to anyone who is in default to the City. In such publication the City Commission shall reserve the right to reject any and all bids.

(189) Sec. 2. The City Commission shall have power to cause any public work or improvement to be executed and performed in any mode other than by contract, that it may deem for the best interest of the City.

(190) Sec. 3. No contract, involving deferred payments of money on the part of the City, shall be made for a longer period than three years, unless the proposed contract be referred to the electors and approved by them: Provided, that this section shall not apply to bonds (or other obligations of the City for borrowed money) issued in the manner authorized by this charter.

(191) Sec. 4. All written contracts of the City shall be executed, in its behalf, by the Mayor and City Clerk, unless otherwise provided by the City Commission.

## ORDINANCES AND RESOLUTIONS

(192) Sec. 1. Each proposed ordinance and resolution shall be introduced in written or printed form. The enacting clause of all ordinances shall be "The City of Jackson ordains."

(193) Sec. 2. No ordinance, unless it be an emergency measure, shall be passed until it shall have been read at two regular meetings of the City Commission at least one week apart. In the case of emergency measures, one reading may be dispensed with by the affirmative vote of four members of the City Commission. No ordinance or resolution or section thereof shall be revised or amended unless the ordinance or resolution or section thereof amended shall be re-enacted and published at length.

(194) Sec. 3. All ordinances shall take effect thirty days from the date of their passage, except that the City Commission may, by an affirmative vote of four of its members, pass emergency measures to take effect at the time indicated therein, subject to the provisions of "The Referendum."

(195) Sec. 4. An emergency measure is an ordinance for the immediate preservation of the public peace, property, health, or safety, or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

(196) Sec. 5. Every ordinance upon its final passage shall be recorded by the City Clerk in a book kept for that purpose and it shall be the duty of the Mayor and City Clerk to authenticate said records by their official signatures thereon.

(197) Sec. 6. All ordinances shall be published in full, together with the proceedings of the City Commission, in some newspaper published and circulated in this City, within five days after their passage. The certificate of the City Clerk that such publication has been made, together with the records of the City Commission, shall be prima facie evidence in all courts of the due publication and passage of said ordinance.



(198) Sec. 7. When, by the provisions of this charter, the City Commission has authority to pass ordinances for any purpose, it may prescribe fines, penalties and forfeitures, not exceeding five hundred dollars or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of prosecution, but not to exceed five hundred dollars in all, for each violation of any of said ordinances, and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any term not exceeding ninety days, unless payment thereof be sooner made.

(199) Sec. 8. In all courts having authority to try any matter or cause arising under the ordinances and in all proceedings relating to or arising under the ordinances, judicial notice shall be taken of this charter and ordinances of this City. And whenever it shall be necessary to prove any of the laws, resolutions or ordinances of this City, the same may be read in all courts of justice, and in all proceedings from a record thereof kept by the City Clerk, or from a certified copy of such record, or from any copy of this charter or volume of ordinances purporting to have been issued by authority of the City.

(200) Sec. 9. Prosecutions for violations of the charter or ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the City.

(201) Sec. 10. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, such penalty or forfeiture may be recovered in an appropriate action; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action.

(202) Sec. 11. Such action shall be brought in the name of the City of Jackson. All the proceedings in the cause, shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the state. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found, to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety

days, unless such execution be sooner satisfied, or he be discharged by due course of law ; but imprisonment without payment shall not operate at a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

(203) Sec. 12. Prosecutions for violations of the ordinances of the City may also, in all cases, except against corporations, be commenced by a warrant for the arrest of the offender.

(204) Sec. 13. Such warrant shall be in the name of the People of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially in the form and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace, and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment, and the execution thereof shall, except as otherwise provided by this charter, be governed by, and conform as nearly as may be to the provisions of law regulating the proceedings in criminal causes, cognizable by justices of the peace.

(205) Sec. 14. Said city shall be allowed the use of the jail of the County of Jackson for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this charter; and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail or in any city prison, or in the house of correction at Detroit, Michigan, or other place of confinement provided by the City, or authorized by the ordinances of the City, and the Sheriff, or other keeper of such jail or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

(206) Sec. 15. It shall be a sufficient statement of the cause of action in any suit, proceeding or prosecution for a violation of the ordinances of the City, in any such complaint or warrant to set forth in the complaint or warrant substantially, and with reasonable certainty, as to time and place, the act or offense complained of, and to allege the same to be a violation of an ordinance of

the City, referring thereto by its title and the date of its passage or approval.

(207) Sec. 16. In all prosecutions for violations of the ordinances either party may require a trial by jury. No inhabitant of the City shall be incompetent to serve as a juror in any cause in which the City is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the City in the result of the suit.

(208) Sec. 17. Any party convicted of a violation of any ordinance in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the County of Jackson, by appeal or writ of certiorari; and the proceedings therefor and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and certiorari in criminal cases, cognizable by justices of the peace; and in suits to which the City shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by certiorari into the circuit court; and the like proceedings shall be had thereon, and like bond or security shall be given as in cases of appeal and certiorari in civil causes, tried before justices of the peace, except that the City shall not be required to give any bond or security therein. The circuit court of said county shall also take judicial notice of the charter and ordinances of this City.

(209) Sec. 18. All fines imposed for violations of the ordinances of the City, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the Sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine, shall, without unnecessary delay, pay the same into the city treasury, and take the Treasurer's receipt therefor and file the same with the City Clerk.

(210) Sec. 19. If any person who shall have received any such fine or any part thereof shall neglect to pay over



the same pursuant to the foregoing provision, it shall be the duty of the City Commission to cause suit to be commenced immediately therefor, and to prosecute the same to effect. Any person receiving any such fine, who shall wilfully neglect or refuse to pay over the same as required by the foregoing provisions shall be deemed guilty of a misdemeanor and shall be punished accordingly.

(211) Sec. 20. Fines paid into the city treasury for violations of ordinances of the City shall be disposed of as the City Commission may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the City, excepting such part as shall be paid by costs collected, shall be defrayed by the City.

(212) Sec. 21. The circuit court of the County of Jackson shall have jurisdiction of all causes arising for violation of this charter or the ordinances of the City, when the fine or forfeiture which may be imposed shall exceed one hundred dollars, or where the offender may be imprisoned for a term exceeding ninety days. The proceedings in the circuit court in all such cases shall be the same as in prosecution to recover penalties and forfeitures and to punish violations of the criminal laws of the state, and the general laws regulating prosecutions in criminal cases and to recover penalties shall apply.

## PLATS

(213) No plat or dedication of any street or grounds within the City shall be approved by the City Commission until the proprietor thereof shall file with the City Clerk a correct survey, plan and map of such grounds, and the divisions thereof, showing the relative position and location of lots, streets and alleys therein with respect to the adjacent lots, streets and alleys of the City; nor shall any such plan and map, divided and platted into lots, streets and alleys, be recorded in the office of the Register of Deeds for said County of Jackson, until the survey, plan and map aforesaid is filed with the City Clerk, nor shall any such map be approved by the City Commission unless the dedication of the streets thereon shall be such as to vest in said city absolute control over the streets therein, and such approval and acceptance by said City Commission shall be by ordinance or resolution.

## REMOVAL OF APPOINTIVE OFFICIALS

(214) Sec. 1. Any appointive official holding office for a definite term, may be suspended or removed from office by the affirmative vote of four members of the City Commission, if said official shall, by the City Commission, be deemed guilty of wilful misfeasance or malfeasance in office, incompetency or neglect of duty, or if he shall have been convicted of a felony.

(215) Sec. 2. No such official shall be removed from office until he shall be served with a complete statement of the charges made against him and shall have had the opportunity of a fair and full hearing before the City Commission, after at least five days written notice, at which hearing he may be represented by counsel and present evidence in his own behalf.

(216) Sec. 3. The City Commission or such accused official, for the purpose of procuring the attendance of witnesses or the production of books, papers, or documents at such hearing, may obtain subpoenas from the Justice of the Peace.

(217) Sec. 4. The City Commission may, by ordinance, prescribe necessary rules of procedure to govern such hearings.

## POLICE DEPARTMENT

(218) Sec. 1. There shall be a police force composed of a Chief of Police and such officers, patrolmen and other employes, as may be provided by the City Commission. Until the City Commission shall otherwise provide, the number of policemen and officers shall continue as on December 31, 1914.

(219) Sec. 2. The Chief of Police and other officers of the police force shall have authority to suppress riots, disturbances and breaches of the peace, and to pursue and arrest, in any part of the state, any person fleeing from justice, for felonies committed in the City; to arrest without process any person in the act of committing any offense against the general laws or the ordinances of the City; and to take such offender forthwith before the proper court or magistrate to be dealt with for the offense; to make complaint to the proper officer and magistrate of any person known or believed by them to be guilty of a violation of the ordinances of the City or the penal laws of the state, and at all times diligently and

faithfully to enforce all laws, ordinances and regulations. The Chief of Police and police constables may serve and execute, in any part of the state, all criminal process in proceedings for violation of the ordinances of the City and the laws of the state.

(220) Sec. 3. The City Commission shall by resolution, in May of each year, designate one policeman recommended by the City Manager, to perform the duties of constable. Such constable shall hold office for the term of two years and until his successor is designated and duly files his oath of office, and the City Commission may revoke such designation at pleasure. Every policeman so designated shall have power to serve all process directed or delivered to him for service which by law a constable might serve, and every such policeman shall have all the powers of a constable and shall receive the same fees as are allowed to constables for like services. When otherwise engaged in the performance of police duty they shall receive such compensation therefor from the City as the City Commission may prescribe. The Chief of Police shall also have the powers of constables.

#### FIRE DEPARTMENT

(221) Sec. 1. There shall be a fire department composed of a Chief and such officers, firemen and employes as may be provided by the City Commission. Until the City Commission shall otherwise order, the fire department shall be composed of the same number of officers and men as on December 31, 1914.

(222) Sec. 2. The Mayor, City Manager, Chief of Police or any officer of the fire department may command any person, present at a fire, to aid in the extinguishment thereof and to assist in the protection of property. If any person shall wilfully disobey any such lawful order and direction the officer giving the order may arrest, or direct any policeman or citizen to arrest, such person and confine him temporarily until the fire shall be extinguished; and in addition thereto, he shall be punished in such manner as may be prescribed by ordinance.

(223) Sec. 3. The City Commission shall provide, by ordinance, for the appointment of such number of fire wardens as it may deem necessary, from among members of the fire department; and for the examination by them, from time to time, of the stoves, furnaces and



heating apparatus or devices in or near the dwellings, buildings and structures within the City; and in all places where combustibles or explosive substances are kept; and to cause all such as are unsafe, with respect to fire, to be put in a safe condition.

(224) Sec. 4. The City Commission may prescribe by ordinance, from time to time, limits or districts within which wooden buildings and structures shall not be erected, placed or enlarged and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

(225) Sec. 5. The City Commission may also prohibit, within such places or districts as it shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood or other easily inflammable material, in open places, when, in the opinion of the City Commission, the danger from fire is thereby increased. It may regulate the storing of gunpowder, oils and other combustibles and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances and regulations as it may deem necessary for the prevention and suppression of fires.

(226) Sec. 6. Every building or structure which may be erected, placed, enlarged, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by direction of the City Commission.

(227) Sec. 7. The engineer in charge of the department at any fire, with the concurrence of the Mayor or any two Commissioners, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the City therefor.

## **EMPLOYMENT OF POLICEMEN AND FIREMEN**

(228) Sec. 1. All members of the police and fire departments shall be employed by the City Manager: Provided, that in case of riot, conflagration or other emergency, the Mayor may appoint additional patrolmen or firemen for temporary service.

(229) Sec. 2. The City Manager shall have the right to dismiss or suspend any of the officers or employes of the police or fire department for cause. If any such officer, policeman, fireman or employe be dismissed or suspended the City Manager shall forthwith, in writing, certify the fact to the City Commission together with the cause for the dismissal or suspension, and the City Commission shall render judgment thereon, which judgment may be reinstatement, suspension, reduction in rank or dismissal. The accused officer or employe shall have the right to a public hearing before the City Commission. The City Commission or the accused may obtain subpoenas from the justices of the peace to secure the attendance of witnesses or to produce books and papers at such hearing.

(230) Sec. 3. The City Commission shall, by ordinance, provide rules and regulations governing the employment, promotion, demotion, dismissal or suspension of policemen and firemen or officers of either department, and for the general conduct and management of the police and fire departments. It shall also provide rules of procedure in the case of hearings on charges against any member of said departments.

### **PENSIONS FOR FIREMEN AND POLICEMEN**

(231) Act. No. 345 of the Local Acts of 1907 of Michigan shall continue in force. The City Commission shall have the powers and duties therein delegated to the board of police commissioners and the board of fire commissioners. The City Commission shall provide funds for the payment of pensions to those entitled to the same.

### **LICENSES**

(232) Sec. 1. The City Commission shall have power to license and regulate such lawful trades, occupations, amusements or undertakings as it may deem proper for the public good and protection.

(233) Sec. 2. Except as herein otherwise provided, the City Commission shall prescribe the terms and conditions upon which licenses may be granted, and may accept and require a payment of such reasonable sum for any license as it may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the City, in such sum as the City Commission may prescribe,



with one or more sufficient sureties, conditioned for a faithful observance of the general laws, the charter and the ordinances of the City, and otherwise conditioned as the City Commission may prescribe. It may require the applicant for a license to expressly agree in his application that the license, if granted to him, may be revoked by the City Commission for a violation of the terms and conditions of the application. Every license shall be revoked by the City Commission for a violation of the terms of the application upon which it was based, and when revoked, the person holding such license, shall, in addition to all other penalties imposed, forfeit all payments made for such license, and no new license for a similar purpose shall be granted to such person for one year thereafter, except as herein otherwise provided.

(234) Sec. 3. No license shall be granted for any term beyond the first day of May next thereafter, except as herein otherwise provided, nor shall any license be transferable, and the City Commission may provide for punishment by fine or imprisonment, or both, of any person who shall exercise, without license, any occupation or trade, or do anything, for which a license shall be required by any ordinance or regulation of the City, and no license shall be granted for any purpose until the sum of money, as fixed by ordinance, shall have been paid to the Treasurer and his receipt for the same delivered to the City Clerk, and all moneys so paid shall be placed to the credit of the contingent fund. All licenses which may be in force December 31, 1914, unless revoked according to law, shall continue in force until the expiration of the term for which they were granted.

(235) Sec. 4. The City Commission shall have authority to compel all persons selling milk or keeping the same for sale in the City, to procure a license therefor and to be properly registered; to provide for a Milk Inspector and prescribe his powers and duties; to regulate the inspection of milk and the places where the same is produced or handled; and to require that all animals, from which the milk is produced, be subjected to what is known as the tuberculin test, when such milk is intended to be sold within the City, although said dairy, farm or place may be outside the City. And the person or persons producing the milk outside the City and the person or persons selling milk within the City, shall be governed



and controlled by and be subject and amenable to any ordinance or regulation enacted by the City Commission, relating to such inspection, at the place where milk is produced, when sold within the City, the same as they would if producing milk within the City.

### LIQUOR TRAFFIC

(236) The City Commission shall have the power to license, restrain and regulate all saloons and places where spirituous, vinous, malt, brewed, fermented or intoxicating liquors are sold at retail or wholesale, or both, in said city: Provided, however, that so long as the liquor traffic is not prohibited in Jackson County, it shall issue annually to persons qualified by law, one retail license, and no more, for each one thousand of population or fraction thereof in the City of Jackson according to the then last preceding federal census, if there be that number of qualified applicants therefor, upon payment into the city treasury of the sum of five hundred dollars for each license, which sum shall be in addition to the state license fee, unless the number of licenses to be granted or the amount of the license fee shall be otherwise fixed by ordinance submitted to the electors upon their initiative and adopted by them.

### FRANCHISES

(237) Sec. 1. The City Commission may grant franchises for public utilities and other purposes, subject to the limitations of the constitution and general laws. No ordinance granting a franchise shall be passed until after the expiration of thirty days from its introduction.

(238) Sec. 2. No franchise of any kind, which is not subject to revocation at the will of the City, shall be granted, unless such proposition shall have first received the affirmative vote of three-fifths of the electors voting thereon at a regular or special municipal election, and upon such proposition women taxpayers having the qualifications of male electors shall be entitled to vote.

(239) Sec. 3. When any person, firm or corporation, holding an unexpired franchise for the locating, constructing or operating of a railroad over a portion of any street, shall subsequently apply for a franchise to locate, construct or operate a railroad on any other portion of the same street or upon any other street in connection

therewith, said subsequent franchise may be granted only for the unexpired term of the first franchise.

(240) Sec. 4. No franchise shall ever be granted for public utility purposes, except upon proper compensation to the City to be fixed in the franchise. Whenever such compensation is based upon the income of the grantee, its successors or assigns, the City Commission shall make provision in such franchise for ascertaining accurately the income upon which such compensation is based. Provided, that this section shall not apply to railroads other than street railroads.

(241) Sec. 5. No franchise shall ever be granted for street railway purposes except that the same shall contain a condition that the grantee, its successors or assigns, shall, as the City Commission may direct, pave the street or streets, on which its tracks are located or to be located, between the outer rails and the track or tracks and for a space outside of said rails of at least eighteen inches, in such manner and with such materials as the City Commission may order, and shall repave any such parts of streets as often as the City shall repave the same, and every such franchise shall contain a requirement that every pavement torn up or damaged by the grantee, its successors or assigns, in the work of constructing or repairing such tracks, shall be replaced at the sole expense of such grantee, its successors or assigns, in as good condition and with the same kind of material as it was before such track or tracks were laid, and all work required to be done and materials used under this section shall be done and furnished under the direction of the City Manager and subject to his approval.

(242) Sec. 6. Every franchise hereafter granted for a public utility shall contain a provision that the City shall at any time have the right to purchase the property, including the franchises, of the grantee, its successors or assigns, within this city, at a price to be agreed upon or determined by arbitration as provided in the franchise, but this right of purchase shall not apply to railroads, other than street railroads.

(243) Sec. 7. All franchises hereafter granted for street railway purposes shall plainly specify on what particular streets, alleys or other public property the same shall apply; and no franchise for such purpose shall



hereafter be granted in general terms or to apply to the City generally.

(244) Sec. 8. The grant of every franchise shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from unnecessary danger or inconvenience in the operation of any work or business authorized by the grant, and the right to make and enforce all such regulations as shall be necessary to secure adequate, efficient and proper service, extensions and accommodations for the people and insure their comfort and convenience.

(245) Sec. 9. No exclusive franchise shall ever be granted, and no franchise shall ever be granted for a longer term than thirty years; and such grant shall in all cases contain a condition requiring the grantee, its successor or assigns, to submit disputes with its employes in case of strike or lockout, or threatened strike or lockout, to a board of arbitration, in such manner as shall be provided in the franchise.

(246) Sec. 10. No franchise shall be granted for street railway purposes, except upon condition that the grantee, its successors or assigns, shall allow the use of its tracks, poles and wires, by any other corporation, to which the City shall grant a franchise for building or operating a street railway or interurban railway within or into the City, insofar as it may be necessary to enter the City and to reach the principal business section thereof, upon the payment of a reasonable rental therefor: Provided, that the corporation desiring to operate its cars over the line of such street railway shall first agree in writing with the owner thereof, to pay it a reasonable compensation for the use of its tracks and facilities. If the corporation desiring to use the same cannot agree with the owner of said street railway as to said compensation or as to the terms and conditions for the use of said tracks and facilities within sixty days from the time of opening negotiations therefor, then the City Commission shall by resolution, after a fair hearing, fix the terms and conditions of such use and compensation, which



award of the City Commission when so made shall be binding and final and observed by the parties concerned.

## PAVEMENTS

(247) Sec. 1. The City Commission shall have power to grade, pave, gravel, curb, regrade, repave, regravels curb, and to otherwise improve and repair the highways, streets and alleys of the City. The City Commission shall pave the whole or part of any street or alley within the City whenever it shall be applied to in writing signed by the parties owning the greater part of the frontage of the real estate on the line of such street or alley, or part thereof proposed to be paved or repaved, and which may be subject to assessment for such pavement: Provided, however, said City Commission shall not be required to pave any street or alley for a shorter distance than forty rods, unless the street or alley proposed to be paved shall be shorter than forty rods; and provided further, that when the street mentioned in said petition shall intersect a street which is already paved or be a portion of the street, a part of which has been previously paved, the new pavement so constructed shall commence at the intersection of such paved street or shall be a continuation of the pavement already laid on the street which is partially paved; and provided further, the City Commission shall not by this provision be required to construct the pavement petitioned for, if the cost thereof will exceed the bonding limit for such purposes fixed by this charter. The term "paving" as used in this subject of the charter shall be deemed to include the construction of crosswalks, gutters, curbing and the necessary grading.

(248) Sec. 2. Whenever any paving has been ordered upon any street, alley or public highway in the City, it shall be the duty of all persons owning property abutting the same, to make all necessary sewer, water and gas connections in front of their respective premises, beyond the curb line of such proposed pavement, before the paving is commenced. Such connections shall be made in the manner and at the time or times directed by the City Commission. In case any owner of such premises shall neglect or refuse to make such connections as required, the City Commission shall cause the same to be made, and the respective owners of such premises shall be liable for the cost thereof, which if not paid upon demand may be re-

covered by the City in an action of assumpsit or the City Commission shall cause such costs to be reported to the Assessor, who shall levy and assess the same as a special assessment upon the premises in front of which such costs were incurred. The costs so incurred shall be and remain a lien on such premises until paid and the instituting of suit shall not affect such lien until judgment is paid.

(249) Sec. 3. The cost or expense of paving or repaving street and public alley intersections and to the center of the street in front of lands exempt from taxation shall be borne by the City. The City shall also at its own expense clean, maintain and make necessary repairs to all pavements.

(250) Sec. 4. Except the cost of intersections and of paving in front of exempt property, the entire cost of original pavements shall be met by special assessments upon premises included in a special district to be constituted of the lands fronting upon that part of the street or alley so paved or to be paved.

(251) Sec. 5. In the case of repaving one-half of the cost, besides that of street and public alley intersections and of paving in front of exempt property, shall be borne by the City and the other half shall be assessed against the abutting property owners in the manner aforesaid: Provided, that if such repaving becomes necessary within twenty years of the original paving the cost thereof shall be wholly borne by the City.

(252) Sec. 6. If from the shape or size of any lot an assessment thereon for paving or repaving in proportion to its frontage would be unjust and disproportionate to the assessment upon other lands, the Assessor may assess such lot or such number of feet frontage as in his opinion would be just.

(253) Sec. 7. Such parts of the expense of any pavement as are for the paving of squares or spaces formed by the intersecting lines of public streets and alleys, the extra expense of crosswalks and which shall be for the paving of half of the street or alley in front of or adjoining to school buildings, county buildings and other public buildings and grounds not taxable, shall in all bids requested and in all contracts for paving, be itemized separate from that of those for the doing of the portions of the work, for which persons owning real estate abutting

said street or alley benefited are to be assessed, but may be included in the same contract, and the cost of such portion of the work shall be paid by the City from the general street fund, or in the first instance may be paid by the issue of bonds as hereinafter provided.

(254) Sec. 8. The City Commission shall determine by resolution the estimated cost of the work to be paid by the City, and the amount thereof to be paid by the owners of the abutting property. For the purpose of meeting the expense of said pavements, in anticipation of the collection of the assessments on account of paving or repaving, the City Commission may, by resolution, authorize and direct that a sum of money, not exceeding the entire cost of said work, shall be borrowed by the issue of bonds to be known as "Public Improvement Bonds," as provided under the subject "Special Assessments" in this charter: Provided, that the total amount of public improvement bonds for paving, outstanding at any one time, shall not exceed three hundred thousand dollars.

(255) Sec. 9. The Treasurer shall keep strict account of all the moneys received on the sale of such bonds, and each of the said pavements shall have in the Treasurer's account a separate fund; and all the moneys obtained on the sale of bonds shall be applied to the payment of the cost of the construction of the particular pavement for which the same was issued, and all special assessments or other moneys paid on account thereof shall be applied to the payment of such pavement bonds, and if there shall be any surplus moneys arising from assessments for any such pavement, the same shall be refunded to the abutting property owners pro rata.

## SIDEWALKS

(256) Sec. 1. The City Commission may establish, construct and maintain sidewalks and curbs in the City, of such dimensions and materials, and under such regulations as it may deem proper, for the public use and benefit of the City. The expense of surveying and grading for all sidewalks and curbs and the expense of all crosswalks and intersections shall be borne by the City and paid from the general sidewalk fund. The balance of the expense of such sidewalks and curbs shall be borne by the owners of the premises abutting on the said sidewalk or curb,



and shall be assessed and become a charge against the premises so abutting on such sidewalks or curbs and the owners thereof.

(257) Sec. 2. The City Commission shall determine by resolution the estimated cost of the work to be paid by the City, and the amount thereof to be paid by the owners of the abutting property. For the purpose of meeting the expense of said sidewalks and curbs, in anticipation of the collection of the assessments on account of such sidewalks and curbs, the City Commission may, by resolution, authorize and direct that a sum of money, not exceeding the entire cost of said work, shall be borrowed by the issue of bonds to be known as "Public Improvement Bonds," as provided under the subject "Special Assessments" in this charter, or by the issue of certificates of indebtedness or notes, at a rate of interest not exceeding five per cent per annum, and which shall be endorsed, and may be made payable in like manner as bonds, issued for a similar purpose.

(258) Sec. 3. The cost of maintaining all sidewalks or curbs shall be borne by the City, but in case old sidewalks or curbs are replaced by new ones, the expense shall be borne as provided in Section 1 of this subject.

(259) Sec. 4. The City Commission shall have the power to cause or require the owners or occupants of any lot or premises to remove all snow, ice, or slush from the sidewalk in front of or adjacent to said lot or premises and to keep the same free from obstruction, encroachment, encumbrance, filth, or other nuisance.

(260) Sec. 5. The City Commission shall also have power to regulate and prohibit the construction and use of openings in sidewalks and of all vaults, structures, and excavations under the same.

## SEWERS

(261) Sec. 1. The City Commission may establish, construct, and maintain sewers and drains whenever and wherever necessary and of such dimensions and materials and under such regulations as it may deem proper for the drainage of the City, and may regulate and maintain those already constructed, and may discontinue the same when necessary, and shall have the care and management of all sewers and drains and the charge of their construction, and may also make the necessary expendi-

tures to enclose in walls or dikes, or otherwise improve Grand River, remove obstructions therefrom and clean out the channel and straighten its course within the City and from the city limits to a point four miles below the mouth of the Portage River, and may prescribe the dimensions and materials and manner of construction of such walls or dikes; and private property may be taken therefor in the manner prescribed by the general laws for taking such property for public use. In all cases where the City Commission shall deem it practicable, sewers and drains shall be constructed on the public streets and grounds. In case the State of Michigan, in order to improve the outlet for the sewage of the state prison, determines to improve Grand River below the City limits, the City Commission may, with the approval of the electors, upon referendum, defray such part of the expense so incurred as shall be deemed for the interest of the City by tax or the issuance of bonds.

(262) Sec. 2. The City Commission shall have power to use, control, and regulate streams, waters, and water courses within boundaries of the City; and subject to the constitution and general laws of the state, may survey, meander and establish boundaries for such streams, water and water courses.

(263) Sec. 3. The City Commission, whenever it becomes necessary, in its opinion, to provide sewers and drains for the City or any part thereof, shall so declare by resolution and shall therein direct the proper officers or employes of the City to report a plan thereof for the whole City or such part thereof as the City Commission may determine; in all instances such plans shall be formed with a view to a division of the City into main sewer districts, each to contain one or more principal sewers, with the necessary branches and connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the City Clerk. Main sewer districts may be subdivided into special sewer districts in such a manner that each special district shall include one or more lateral or branch sewers, connecting with the main sewer, and such lands as in the opinion of the City Commission will be benefited by the construction thereof. Whenever

deemed necessary special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the City Commission will be benefited by the construction thereof may be formed of territory not included in any main sewer district: Provided, that no change shall be made in the existing system of sewers unless authorized by a majority vote of the electors voting on such proposition.

(264) Sec. 4. A portion of the cost of any main or trunk sewer equal to the estimated cost of the construction of a sufficient lateral sewer, not exceeding twelve inches in diameter, upon the street or streets where said main or trunk sewer is to be constructed, shall be borne by the property owners within the said district and assessed upon all taxable lands and premises included within said sewer district in proportion to the benefits accruing to each parcel respectively from said sewer. The City Commission shall have power to determine the size of the sewer for which property owners within said district shall pay the estimated cost, it being the intention that property owners within a district established for the construction of a main or trunk sewer shall pay in the same proportion, according to the benefits, as those property owners within a district for the construction of a lateral sewer, branch sewer, or local sewer, as nearly as may be. The remainder of the expense of constructing a main or trunk sewer shall be borne by the City and paid from the general sewer fund.

(265) Sec. 5. The cost of walling, diking, or improving Grand River or any portion thereof, shall be paid from the general sewer fund: Provided, however, that the City Commission shall have power to determine that any part of the expense thereof, not exceeding one-half, be defrayed by special assessment in proportion to the benefits upon all taxable lands and premises included within a special assessment district to be formed by the City Commission, assessed and collected as by this charter provided, in proportion to estimated benefits.

(266) Sec. 6. The cost of any lateral, branch, or local sewer constructed within a special sewer district shall be defrayed by special assessment in proportion to benefits on all taxable lands and premises included within said special sewer district, as the case may be, in proportion to such estimated benefits accruing to each parcel re-



spectively in the construction of such lateral, branch or local sewer: Provided, that if in the judgment of the City Commission, because of some incidental benefit to the City, or because the district in which the lateral sewer is built has been heretofore assessed, any portion of such expense should be defrayed out of the general sewer fund, it may so determine by resolution. In case the total of special assessments permitted under this section shall not be sufficient to defray the cost of such lateral, branch, or local sewer, the difference between the total of special assessments permissible under this section and the total cost of any such lateral, branch, or local sewer shall be paid from the general sewer fund.

(267) Sec. 7. The City Commission shall require each and every person owning property which has not been assessed for the building of a sewer, to pay such sum as it may fix before allowing him to connect with such sewer, which sums, when collected shall constitute a fund for the repair of said sewer.

(268) Sec. 9. The City Commission may enact ordinances necessary for the protection and control of the public drains and sewers, and of diking and other improvements, and to carry into effect the powers herein conferred in respect to drainage of the City, and the diking and other improvements of Grand River, and in such ordinances it may provide what work of removing obstructions, cleaning out the channel, and straightening the course of Grand River and of protecting the walls, shall be deemed parts of the diking.

(269) Sec. 10. Persons assessed for the expense of building any sewer may connect the property assessed with said sewer. The City Commission shall provide the manner in which all connections with sewers shall be made. The City Commission may require the owners and occupants of premises along the line of any sewer to connect such property, and all water closets, urinals and sinks thereon, with the public sewer, and to keep such connections in repair, and free from obstructions and nuisances; and if such connections are not made and maintained according to such requirement, the City Commission may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises where

the connection is made, and may be collected by special assessment to be levied thereon.

### SPECIAL ASSESSMENTS

(270) Sec. 1. Whenever the City Commission shall determine to make any public improvement or repairs, and defray the whole or any part of the cost thereof by special assessment, it shall so declare in the annual budget, or thereafter by resolution, stating the improvement, and what part of the expense thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds, and shall designate the district or lands and premises upon which the special assessment shall be levied.

(271) Sec. 2. When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the City Commission shall by resolution direct the same to be made by the Assessor, and shall state therein the amount to be assessed, whether according to benefits or frontage, and describe or designate the lots and premises or locality constituting the district to be assessed.

(272) Sec. 3. Upon receiving such direction, the Assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessment thereon, and he shall levy thereon and against such persons the amount to be assessed; assessing upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lots from the improvement, as ascertained in the manner directed by the City Commission, or by any provision of this charter, and when such assessment is completed, he shall report the same to the City Commission. If the assessment is required to be according to frontage, he shall assess to each lot or parcel of land, such relative portion of the whole amount to be levied as the length of frontage of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the irregular shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits,

he shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefits resulting to such lot from the improvement.

(273) Sec. 4. When any expense shall be incurred by the City upon or in respect to any separate or single parcel of land or premises, which, by the provisions of this act the City Commission is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon the several lots or parcels of land in an assessment district, an account of the labor or services for which such expense is incurred, verified by the officer or persons performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the City Commission in such manner as it shall prescribe.

(274) Sec. 5. The City Commission shall determine what amount or part of every such expense shall be charged, except as herein otherwise provided, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and it shall require all of the several amounts so reported and determined, and the several lots or premises, and the person chargeable therewith, respectively, to be reported by the City Clerk to the Assessor for the assessment.

(275) Sec. 6. Upon receiving the report mentioned in the preceding section, the Assessor shall make a special assessment roll, and levy as a special assessment thereon upon each lot or parcel of land so reported to him, and against the person chargeable therewith, if known, the whole amount or amounts of all charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed, the same shall be submitted to the City Attorney, who shall carefully review and correct and return the same within twenty days from the receipt of the same to the Assessor, with such corrections as said city attorney may deem necessary, and after the same has been so corrected the Assessor shall report said assessment to the City Commission.

(276) Sec. 7. When any special assessment shall be reported by the Assessor to the City Commission, as



herein provided, the same shall be filed in the office of the City Clerk and numbered and designated by the name by which it was known in the budget or resolution ordering the same. Before adopting the assessment the City Commission shall cause notice to be published for five days in the official newspaper of the City, of the filing of the same with the City Clerk, and appointing a time when the City Commission and Assessor will meet to review the assessment. Any person objecting to the assessment shall file his objection thereto in writing with the City Clerk.

(277) Sec. 8. At the time appointed for that purpose the City Commission and Assessor shall meet and then, or at some adjourned meeting, review the assessment. The City Commission shall correct the same if necessary and confirm it as reported or as corrected, or it may refer the assessment back to the Assessor for revision or annul it and direct a new assessment. In case of annulment the same proceeding shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the City Clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation. The provisions of this section and the last preceding section shall not apply to assessments upon a single parcel of land assessed for expense incurred by reason of the default of the owner in not complying with any order of the City Commission made in compliance with this charter.

(278) Sec. 9. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of lands assessed, and shall be a charge against the persons to whom assessed until paid; and when any special assessment shall be so confirmed by the City Commission, it shall be final and conclusive, but no such assessment shall be confirmed except by the concurrence of a majority of the City Commission.

(279) Sec. 10. Upon the confirmation of any special assessment, except as otherwise provided in this charter, the amount thereof may be divided into not more than ten installments or in the case of sidewalks into not more than five installments, one of which shall be collected on or before the improvement is completed, and one each year thereafter at such times as the City Commission shall determine, with interest payable annually at a rate not exceeding five per cent per annum, and warrants shall

be issued for the collection thereof. Any person refusing or neglecting to pay an installment within thirty days after it becomes due shall be charged with a collection fee of one per cent for each month, or fraction thereof, while he is in default.

(280) Sec. 11. The City Commission shall have power to borrow the money necessary to complete such public improvement for which special assessment roll shall have been made as aforesaid, and issue for the amount of such loan the bonds of the City to be designated "Public Improvement Bonds," said bonds to be endorsed with the name of the particular improvement. Said bonds shall be payable in as many years as there are deferred installments into which the special assessment has been divided, and an equal amount of said bonds shall be payable annually from the date of issuance until all are paid, and shall bear interest at a rate not exceeding 5 per cent per annum, and the City Commission shall reimburse the City for money so borrowed from the proceeds of such special assessments.

(281) Sec. 12. It shall be lawful to issue only such bonds as may be necessary to pay the expense of the particular improvement for which the assessment is made, and any saving therein, either in interest or premium on bonds, or any amount thereof beyond the cost of preparing the bonds for signature, from the amount of the special assessment, shall be pro rata for the benefit of the persons and lands assessed, and shall be deducted from the last installment or installments of the said special assessment. Said bonds shall be payable as near as may be at the time when special assessments may with due diligence be collected: Provided, that at any time after the special assessment roll is completed and certified to the Treasurer, any person assessed may pay the amount assessed against him, and may have on the completion of the work such deduction as he may equitably be entitled to if the improvement shall have been made at a less cost than the amount of the estimate on which the assessment was based. This section shall not be deemed to prohibit the issuance of bonds to defray the City's portion of the cost of any public improvements when the same are duly authorized by the electors.

(282) Sec. 13. Except as otherwise provided in this charter or by the City Commission, all special assess-

ments, except such installments thereof as the City Commission shall make payable at the future time as provided in the last section, shall be due and payable immediately upon execution of the contract for the performance of the work and furnishing of the material for which such special assessments are levied.

(283) Sec. 14. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.

(284) Sec. 15. Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the City Commission may require the Assessor to apportion the uncollected amounts upon the several parts of the lots and lands so divided. The report of such apportionment, when confirmed by the City Commission, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

(285) Sec. 16. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the City Commission shall make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

(286) Sec. 17. Whenever any special assessments, heretofore or hereafter made, shall, in the opinion of the City Commission, be invalidated by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the City Commission shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment, and for the collection thereof shall be conducted in the same manner as herein provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the



assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment on said premises and the reassessment shall to that extent be deemed satisfied.

(287) Sec. 18. No judgment or decree, nor any act of the City Commission vacating a special assessment, shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding, might have been lawfully assessed thereon.

(288) Sec. 19. Whenever any special assessment shall be confirmed and be payable, the City Commission may direct the City Clerk to levy the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith as a tax, in the City tax roll next thereafter to be made, in a column for special assessments, and thereupon the amount so levied in the city tax roll shall be collected and enforced with other taxes in the city tax roll and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury. Delinquent assessments shall be returned to the county treasurer, and collected by him in the same manner as other delinquent taxes are collected as elsewhere provided in this charter.

(289) Sec. 20. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the City Commission, instead of requiring the assessment to be levied in the city tax roll, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the City Clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such persons; and that he pay the money so collected into the city treasury; and return said roll and warrant, together with his doings thereon in sixty days from the

date of such warrant. In case the warrant shall be renewed by direction of the City Commission as provided in Section 23 of this subject, the City Clerk shall, in the certificate of renewal thereof, direct the Treasurer to collect from the same persons named in said roll whose assessments remain unpaid, in addition to the several sums set opposite their respective names, one per cent on all sums paid during the first month of the renewal of said warrant, and one per cent additional for each month or part of a month thereafter during which any sums shall remain unpaid, so long as the warrant shall be renewed and remain in force.

(290) Sec. 21. Upon receiving said assessment roll and warrant the Treasurer shall proceed to collect the amounts assessed therein; and if the warrant shall be renewed as provided for in Section 23 of this subject, then he shall also collect the percentages mentioned in the last preceding sections. If any person shall neglect or refuse to pay his assessment upon demand, the Treasurer shall seize and levy upon any personal property found within the City or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale by posting such notices in three public places in the City or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

(291) Sec. 22. The Treasurer shall pay the moneys and all the costs and expenses collected by him into the city treasury, and file a statement thereof with the City Clerk. He shall also make return of said assessment roll and warrant to the City Clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the Treasurer shall attach to his return a statement, verified by his affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

(292) Sec. 23. Said warrant shall be renewed from time to time by the City Clerk, if the City Commission shall so direct, and for such time as they shall determine,

but not to exceed four months in all, after the expiration of the sixty days mentioned in Section 20 of this subject, and during the time of such renewal the warrant shall have the same force and the Treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the Treasurer unpaid as aforesaid, the same shall then be returned to the Treasurer of the County of Jackson, with interest included from the date of the confirmation of the assessment, and the same shall be collected by the county treasurer for the benefit of the City of Jackson as other delinquent taxes against real estate are collected as hereinafter provided.

(293) Sec. 24. At any time after a special assessment has become payable, the same, and also the percentage provided for in case of renewal of the warrant attached to the roll, may be collected by suit in the name of the City against the person assessed in an action of assumpsit. In such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be prima facie evidence of the regularity of all proceedings in making the assessment, and of the right of the City to recover judgment therefor.

(294) Sec. 25. If in any such action it shall appear that by reason of any irregularity or informality, the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the City which is a proper charge against the defendant or the premises in question, render judgment for the amount properly charged against such defendant or upon such premises.

(295) Sec. 26. The provisions of the last two preceding sections shall apply as well to assessments made before the adoption of this charter and remaining unpaid as to those made after its adoption.

(296) Sec. 27. In all cases where awards for damages have been made by reason of the opening of any street in said city, under the law of the state as provided by this charter, if the City Commission finds that a portion of the City in the vicinity of the proposed improvement will be benefited by said improvement, it may, by an entry in their minutes, determine that the whole or any just



proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited: and thereupon it shall by resolution, fix and determine the district or portion of the City benefited and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefits thus ascertained shall be assessed upon the owners or occupants of such taxable real estate in proportion, as nearly as may be, to the advantages which such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessments shall be levied and collected in the same manner, as nearly as may be, as other special assessments. The assessment roll, containing said assessments, when confirmed by the City Commission, shall be conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the assessment is made until payment thereof. Any portion of such awarded compensation not raised by special assessments shall be paid from the general street fund.

### MUNICIPAL COURTS

(297) Sec. 1. All of the provisions of the general laws, as existing at the time of the adoption of this charter, shall remain in full force and effect, so far as the same shall relate to the qualification, terms of office, powers, jurisdictions, duties and compensation of the justices of the peace and constables of the City, and the conduct of all proceedings, suits and prosecutions before such justices of the peace and all appeals therefrom, except as to the time and manner of nomination and election of such officers.

(298) Sec. 2. All the provisions of Act 399 of the Local Acts of 1905, relative to qualifications, terms of office, powers, jurisdictions, duties and compensation of justices of the peace and constables, and relative to the police court of the City of Jackson and the proceedings therein, shall remain in full force and effect, except as to the time and manner of nomination and election of the judges, justices and court officers thereof, which shall be in accordance with the provisions of this charter.

(299) Sec. 3. The Justice of the Peace shall be elected at the general election to be held in April, 1915, and

each fourth year thereafter and the Police Judge shall be elected at the regular charter election to be held in November, 1917, and each fourth year thereafter. The Justice of the Peace shall assume the duties of his office on July 4th after his election and the Police Judge shall assume the duties of his office on the first Monday in May after his election. They shall hold for the regular terms as prescribed by the provisions of said Act 399.

## MISCELLANEOUS

(300) Sec. 1. All process against the City of Jackson may be served upon the Mayor or City Clerk.

(301) Sec. 2. In addition to the rights, powers, duties, and liabilities of officers prescribed in this charter, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this charter, as the City Commission shall deem expedient and prescribe by ordinance or resolution.

(302) Sec. 3. Resignations, when tendered, shall be made, in the case of elective officers, to the City Commission, and in the case of appointive officers or employes, to the body or official having the appointive power.

(303) Sec. 4. There shall also be submitted to the electors, for their approval or rejection, at the same time and upon the same ballot that this proposed charter is submitted, an amendment to Section 4 of the subject "Pavements," being general paragraph number 250 of said proposed charter, as follows:

"Except the cost of intersections and of the paving in front of exempt property, which is to be borne entirely by the City, the cost of original pavements shall be met, three-fifths thereof by special assessments upon premises included in a special district to be constituted of the lands fronting upon that part of the street or alley so paved or to be paved, and two-fifths of the cost thereof shall be borne by the City."

(304) Sec. 5. Said proposed amendment shall appear on the ballot below the submission of the charter and the form of submission shall be as follows:

Instructions—A cross () in the square () before the word "Yes," is in favor of the amendment, and before the word "No," is against the amendment.

Shall Section 4 of the subject "Pavements" of the proposed charter, which reads as follows: "Except the cost of intersections and of paving in front of exempt property, the entire cost of original pavements shall be met by special assessments upon premises included in a special district to be constituted of the lands fronting upon that part of the street or alley so paved or to be paved," being general paragraph number 250, be amended so as to read as follows: "Except the cost of intersections and of the paving in front of exempt property, which is to be borne entirely by the City, the cost of original pavements shall be met, three-fifths thereof by special assessments upon premises included in a special district to be constituted of the lands fronting upon that part of the street or alley so paved or to be paved, and two-fifths of the cost thereof shall be borne by the City."

YES

NO

(305) Sec. 6. If this proposed charter be adopted by the electors, and said amendment be also adopted, then said amendment shall become a part of the charter and shall be inserted in the place of Section 4 under the subject "Pavements," general paragraph number 250, as now found in this proposed charter.

## SCHEDULE

(306) Sec. 1. This charter shall be submitted to the electors, for their approval or rejection, at the general election to be held November 3, 1914, and if approved by the electors it shall take effect on the ninth day of November, 1914, for the purposes of registration and primary elections and the election of a Mayor and four Commissioners, and for all other purposes it shall take effect on the first day of January, 1915. The Common Council and Recorder shall take the necessary steps to provide for the first registration, primary, and election under this charter, and in accordance therewith, and where the "City Commission" is mentioned in this charter it shall mean the "Common Council," and where the "City Clerk" is mentioned it shall mean the "Recorder," insofar as any proceedings are concerned which are to be taken prior to January 1, 1915.



(307) Sec. 2. All ordinances and resolutions of the Common Council, not inconsistent with this charter, shall remain in force until altered, amended or repealed by the City Commission. All local acts or parts of acts contravening the provisions of this charter or inconsistent therewith are hereby repealed.

(308) Sec. 3. The term of office of all elective and appointive officials of the City, except the Supervisors, Treasurer, Police Judge, Justice of the Peace, Constables and School Inspectors, holding under the charter which this charter supersedes, shall terminate December 31, 1914, at midnight, except that those officials whose offices are continued under this charter shall continue in office until their successors have duly qualified. The term of office of the present Supervisors shall terminate on January 31, 1915. The present Treasurer, Police Judge, Justice of the Peace, Constables and School Inspectors shall continue in office for the term for which they were elected or appointed. Provided, that a vacancy after December 31, 1914, in any of said offices, except School Inspector, shall be filled by the City Commission.

(309) Sec. 4. The form of ballot on submission of this charter shall be as follows:

Instructions—A cross (☒) in the square (☐) before the word "Yes," is in favor of the charter, and before the word "No," is against the charter.

"Shall the proposed charter drafted by the Charter Commission elected on April 6, 1914, be adopted?"

YES  
 NO

Jackson, Michigan, July 29, 1914.

By Commissioner Lutz:

Resolved, That the foregoing proposed charter as presented at this meeting of the City Commission be and the same is hereby adopted and that the foregoing proposed amendment be submitted with said charter.

I, Clifton H. Vedder, Recorder of the City of Jackson, and clerk of the Charter Commission, do hereby certify that the above resolution was presented at a meeting of the Charter Commission held on July 29th, 1914, on motion of Commissioner M. S. Lutz, supported by Commissioner L. B. Trumbull, the same was adopted by the following vote:

Yeas: Messrs. Butterfield, Cook, Horton, Lutz, Rich,  
Schmid, Trumbull, Walz, and President Glasgow—9.

Nays: None.

Absent: Messrs. Badgley and Lombard—2.

Dated July 29th, 1914.

CLIFTON H. VEDDER,  
Recorder and Clerk of the Charter Commission.

ALBERT J. HORTON,  
LYMAN B. TRUMBULL,  
FORREST C. BADGLEY,  
GEORGE W. LOMBARD,  
O. F. SCHMID,  
EMANUEL G. COOK,  
IRVING B. RICH,  
WILLIAM J. BUTTERFIELD,  
CHARLES W. WALZ,  
BENJAMIN J. GLASGOW,  
M. S. LUTZ,  
Charter Commissioners.

Approved July 31st, 1914.

(Signed) WOODBRIDGE N. FERRIS,  
Governor.

I hereby certify that this charter was finally filed in  
my office on the thirty-first day of July, 1914.

(Signed) CLIFTON H. VEDDER,  
Recorder.

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