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**[HISTORY: Passed by vote of electors of Royal Oak on 11-8-1921. Amendments noted where applicable.]**

### **Preamble**

We, the people of the "City of Royal Oak," heretofore the "Village of Royal Oak," under the authority and by virtue of the Constitution and the General Laws of the State of Michigan, do ordain and establish this Charter for the "City of Royal Oak," Michigan, in the following form as hereinafter expressed.

## **CHAPTER ONE**

### **Name and Boundaries**

#### **NAME**

**Section 1.** The municipal corporation heretofore created shall now and hereafter be known and designated under the name of the “City of Royal Oak.”

#### **BOUNDARIES**

**Section 2.** The City of Royal Oak shall include all the territory described as follows, to-wit: The west half of the southwest quarter of Section Fifteen (W. 1/2 of the S.W. 1/4 Sec. 15); the southeast quarter of Section Sixteen (S.E. 1/4 of Sec. 16); all that part of the west half (W. 1/2) of Section 21 lying easterly of the center of Woodward Avenue, formerly called the Detroit and Birmingham Plank Road; the east half of Section Twenty-one (E. 1/2 of Sec. 21), and the west half of the west half of Section Twenty-two (W. 1/2 of the W. 1/2 of Sec. 22), all being in the Township of Royal Oak, County of Oakland, State of Michigan.

**Section 3.** The City of Royal Oak shall constitute one ward.

**Section 4.** Territory may be detached from said City or added thereto, or consolidation may be made with one or more other cities or villages by complying with the provisions of the general laws of the State in regard to annexing territory to or detaching territory from cities and consolidation of cities and villages; provided, however, before any proposition for the annexation of any territory to the City is submitted to the electors thereof the territory to be annexed shall have been provided with proper and adequate sewage and drainage facilities, the streets of said territory shall have been properly graded and improved and sufficient and adequate water pipes shall have been constructed in said territory, said pipes to be in conformity with the specifications and standards of the Detroit Water Board. It shall be the duty of the City Commission to determine whether said improvements have been installed and are suitable and adequate to take care of the needs of said territory, prior to submitting such annexation to the electorate. **[Amended and adopted 11-7-1939]**

## **CHAPTER TWO**

### **General Powers**

**Section 1.** The said City, as such, shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, bequest, devise, condemnation, appropriation, or lease with privilege to purchase, for any municipal purpose, including ways, public parking grounds, parks, recreational grounds, which shall be deemed to include the use of such grounds for amusements and all athletic sports and educational activities; may sell, lease, hold, manage, and control such property, and may make any and all rules and regulations by ordinance or resolution which may be deemed proper or which may be required to properly regulate and control all property used for public or any of the aforesaid purposes; or to carry out fully the provisions of any conveyance, deed, or will, in relation to any gift, devise, or bequest or the provision of any lease by which is acquired property or according to the judgment of any court, in the condemnation of property for any purpose; may acquire, construct, own, lease, operate, and regulate public utilities; may acquire, own, and operate gravel pits, sand pits, and asphalt plants for the manufacturing of paving materials; may regulate and control food, food supplies, and food products; maintain, operate,

license, own, and control public fuel supplies and markets of every kind; may regulate and control the storing, handling, disposing, and sale of explosives of every character; the construction of cellars and basements so far as the same in any manner affects the public health; may take all needful and necessary steps for the care and relief of the poor and indigent, delinquent, and juvenile offenders, those mentally or physically deficient, and the removal and remedying of the causes thereof; may adopt a City plan; may provide a plan of streets and alleys for a distance of three miles beyond the City limits and require that all streets and alleys in said district dedicated to the public, shall conform therewith; may provide for the restriction or exclusion of business from certain districts of the City; may establish the building line of houses with relation to streets; the width and depth of lots; the amount of air space around houses; may enact a building and housing code and may require building permits for all buildings or structures erected in the City; may regulate the planting and setting of trees, shrubs, flowers, or plants and the care thereof; may exercise jurisdiction over all diseased or noxious trees, shrubs, and plants; may provide for taking a census of the City; may assess, levy, and collect taxes for general and special purposes on all the subjects or objects which the City may lawfully tax; may borrow money on the faith and credit of the City by the issue and sale of bonds or notes of the City; may appropriate the money of the City for any and all lawful purposes; may create, provide for, construct, regulate, and maintain all things in the nature of public works and improvements; may levy and collect assessments for local improvements; may define, prohibit, abate, suppress, regulate, or prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the City, and all nuisances and causes thereof; may regulate the construction, height, and the material used in all buildings and the maintenance and occupancy thereof; may regulate, license, or prohibit the construction, location, size, height, and the materials used in all billboards and the maintenance and use of the same; may provide for the regulation and control of all weights and measures and the use thereof; may regulate, license, control, and prohibit the sale or peddling of goods, wares, merchandise, or any kind of property by persons going about from place to place in the City for that purpose; may regulate, license, and control cab drivers, draymen, teamsters, taxicabs, jitneys, and other forms of conveyance; may regulate, license, and control hotels, rooming houses, boarding houses, restaurants, candy and soft drinks manufacturers and distributors, either wholesale or retail, and other business and occupations; may regulate the location of and license telegraph, telephone, and electric light poles within the City; may construct, maintain, and regulate fountains and public drinking places, including watering troughs; may license dogs and other animals; may regulate and control the use, for whatever purpose, of the streets, alleys, and other public places; may create, establish, combine, organize, and abolish officers and departments, provided, that said City shall not abolish the office of City Manager; provide for the election and appointment of and fix the salaries and compensation of all officers and employees, except as herein otherwise provided; may make and enforce local police and sanitary regulations; may provide for the issuance of bonds of said City for the purpose of providing the first cost of installation and connection of sewers and water works on and to property when such installation and connections shall have been ordered by the proper health authorities, and to provide for a lien on such property for the money so used; may license and impose a license fee on street cars, telephone, gas meters, electric meters, water meters, or any other device for measuring service, also telephone, telegraph, electric light, and power poles and wires; all said license fees shall be exclusive of and in addition to other lawful taxes upon such property or the holder thereof; may provide for the approval of all plats of lands, subject to such terms and conditions as may be deemed best; may do any and all things needful, necessary, or proper to furnish, supply, control, and regulate water supply, sewage, sewage disposal, sanitation, and sanitary control within or without the boundaries of said City, upon

such terms and conditions as the Commission shall decide; may regulate and control the disposition and handling of garbage, ashes, dead animals, and other articles or things detrimental to public health or good sanitation; and may pass such ordinances and adopt such resolutions as may be deemed expedient or necessary to maintain and promote the peace, good government, and welfare of the City and for the performance of the functions thereof; may build and equip or acquire by purchase, gift, bequest, devise, or agreement, city hospitals, and provide for the management, operation, and maintenance of the same; may exercise all powers which now or hereafter it would be competent for this Charter to enumerate as fully and completely as though said powers were specifically enumerated herein; and no enumeration of particular powers by this Charter shall be held as exclusive or in any wise a limitation on said City to legislate on other subjects; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner as shall be provided by ordinance, resolution, or the general laws of the State.

**Section 2.** The City shall have power to provide for and change the location and grade of all street crossings of any railroad track; and to compel any railroad company or street railway company to raise or lower their railroad tracks to conform to street grades which may be established by the City from time to time; and to construct street crossings in such manner and to keep them in repair, and should the railroad company or street railway company fail to repair such crossing within a reasonable time, the City Commission shall have authority under this section, to make such repairs and charge the expense thereof against the railroad company or street railway company, and enforce collection thereof in any court of competent jurisdiction by suit; also to require and compel railroad companies and street railway companies to keep flagmen or watchmen at railroad crossings; to regulate and prescribe the speed of all locomotives and railroad trains and street railway cars within the City; and regulate the obstructing of crossings by trains, engines, cars, or otherwise.

**Section 3.**

- (a) The said corporation of the City of Royal Oak shall succeed to, own, possess, and control all the books, records, documents, and all the property, real, personal, or mixed, and all the rights, privileges, franchises, powers, and immunities now belonging to and possessed and enjoyed by the municipal corporation heretofore known as the “Village of Royal Oak” at the time of its incorporation as a City shall be incorporated under this Charter and shall continue in full force and effect until repealed or amended by the legislative body of the City or in such manner as may be provided for in this Charter.
- (b) Shall be subject to and liable for all the legal debts, liabilities, judgments, bonds, notes, and other legal obligations for which the “Village of Royal Oak” was liable at the time of its incorporation as a city.

**Section 4.** All by-laws, resolutions, and ordinances, in force in the “Village of Royal Oak” when the same was incorporated as a city and in accordance herewith, shall continue in full force and effect until repealed or amended by the City Commission, or in such manner as may be provided for in this Charter.

## **CHAPTER THREE**

### **Form of Government**

**Section 1.** The form of government provided for in this Charter shall be known as the Commission-Manager form. There is hereby created a Commission, consisting of a Mayor and six Commissioners, who shall be qualified electors of said City, and who shall be elected in the manner hereinafter specified, shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the City.

**Section 2.** The Commission shall constitute the legislative and governing body of said City, possessing all the powers herein provided for, with power and authority to pass such ordinances and adopt such resolutions as they shall deem proper in order to exercise any or all of these powers possessed by said City.

**Section 3.** The members of the Commission shall be elected on a non-partisan ballot by the City at large and shall be subject to recall as hereinafter provided. Any person to be eligible for the office of Mayor or Commissioner must have attained the age of 25 years, and shall have been a resident of the territory included in the City of Royal Oak at least two years immediately preceding election, and a freeholder of said City.

Any Commissioner desiring to become a candidate for Mayor shall, unless his term as Commissioner shall expire in the year of election, resign his seat on the City Commission not later than August 15 prior to the election by tendering his irrevocable, written resignation to the City Clerk, such resignation to become effective upon the seating of the next succeeding City Commission in December. No individual shall at the same election be a candidate for both Mayor and Commissioner. **[Amended and adopted 9-12-1950; 11-7-1967]**

**Section 4.** The Mayor of the City shall be elected for the term of two years. In the Biennial City Election of 1947 the six candidates receiving the highest number of votes for the Commission shall be elected as Commissioners, the three highest to serve for a term of four years, the other three for a term of two years; thereafter, the three candidates for Commissioner receiving the highest number of votes shall be elected to serve a term of four years. The Commission shall be the judge of the election and qualification of its own members. The term of all elective officers shall commence at 12:00 noon on the first Monday in December following their election except as hereinafter provided for the first election under this Charter. **[Amended and adopted 11-4-1947]**

**Section 5.** The first meeting of the Commission shall be held at 7:30 p.m., on the first Monday of December following their election, provided however that the first meeting of the first Commission elected under this Charter shall be held on the second Monday of December following their election at 7:30 p.m., and thereafter the Commission shall meet at least twice every month, and they may meet such other number of times as the Commission shall by ordinance or resolution provide. The Mayor or any two members of the Commission may call special meetings of the Commission, upon at least 18 hours' written notice to each member, served personally or left at his usual place of residence; provided, however, any special meeting at which all members of the Commission are present shall be a legal meeting for all purposes, without such written notice. All meetings of the Commission shall be public and any citizen may have access to the minutes and records thereof at all reasonable times. The Commission

shall determine its own rules and order of business and shall keep a journal of its proceedings in English. **[Amended 8-5-2008]**

**Section 6.** A majority of all members elected to the Commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. The Commission shall act only by ordinance or resolution.

**Section 7.** In times of public danger or emergency, the Mayor may take command of the police and of such other departments and subordinates as may be deemed necessary by him to maintain order and enforce laws. The Commission shall also, at the first regular meeting, select a member of the Commission Mayor pro tem, who, during the absence or the disability of the Mayor, shall perform his duties and shall act in the name and stead of the Mayor, and shall during the time of such absence or disability, exercise all the duties and possess all the powers of the Mayor.

**Section 8.** Except for the purpose of inquiry, the Commission and each of its members shall deal with the Administrative branch of the Government solely through the Manager, except in the department of Law, and neither the Commission nor any member thereof shall give any order or direction either publicly or privately, to any of the subordinates of the Manager. **[Amended and adopted 11-8-2005]**

**Section 9.** A vacancy on the City Commission shall be filled by appointment by a majority of the remaining members of the Commission and a vacancy in any other elective office shall be filled by appointment by the Commission. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs, beginning the following first Monday in December. **[Amended and adopted 11-4-1947]**

**Section 10.** Absence from five consecutive regular meetings shall operate to vacate the seat of a member, unless the absence is excused by the Commission, by resolution setting forth such excuse and entered upon the journal.

**Section 11.** The administrative functions and powers of the City shall be divided into six departments as follows: Law, Finance, Public Works, and Service, Public Welfare, Public Safety, and Public Health, subject to modifications as hereinafter provided.

**Section 12.** There shall be a director of every department who shall have the supervision and control thereof and who, with the exception of the Director of Law, shall be appointed by and be immediately responsible to the City Manager for the administration of the department. The Director of Law shall be responsible to the Commission for the discharge of their duties. Excepting the Department of Law and Public Health, the Manager shall be the Director of each and every department of the City, until otherwise provided for by the Commission. **[Amended and adopted 11-8-2005]**

**Section 13.** The director of every department, except that of Law, shall be subject to the supervision and control of the Manager in all things, except as otherwise herein specifically provided. **[Amended and adopted 11-8-2005]**

**Section 14.** The Commission shall, by ordinance, determine and prescribe the functions and duties of each department, subject to the expressed provisions contained herein, and may by a vote of five of its members create new departments, combine existing departments, and establish temporary departments for special work.

**Section 15.** The Commission shall appoint a City Manager, City Clerk, City Treasurer, City Assessor, City Health Officer, and Director of Law, each of whom shall be appointed for an indefinite period and be subject to removal by the Commission.

**Section 16.** The Manager shall be the chief administrative officer of the City. He shall be chosen by the Commission solely on the basis of his executive and administrative qualifications, and shall, during his term of office, reside in the City of Royal Oak; provided, however, he shall be a citizen of the United States of America and shall have attained the age of 25 years.

**Section 17.** The Manager shall be responsible to the Commission for the proper administration of the affairs of the City and to that end shall make all appointments, including the heads of departments, except as herein otherwise specifically provided.

**Section 18.** He shall be required to be present at all meetings of the Commission and be entitled to be present at all meetings of its committees and to take part in all discussions, but shall have no vote.

**Section 19.** The Manager shall receive a compensation to be fixed by the Commission. If a majority of the Commission for any reason shall desire to remove the Manager at any time, it shall notify him in writing, specifying reasons for removal and fixing a date within 30 days for hearing such charges. The serving of such notice on the Manager shall automatically suspend him from office, pending the date fixed for the hearing. After serving one year, a Manager may be removed only upon the affirmative vote of at least four members of the Commission.  
**[Amended and adopted 4-4-1949]**

**Section 20.** The Commission may appoint an Assistant Manager, who shall, when directed by the Commission, perform the duties of Manager in case of his sickness, absence from the City, disability, suspension, removal, or resignation.

**Section 21.** The City Clerk shall be Clerk of the Commission and shall, with the Mayor, sign and attest all ordinances; and the journal or record of the Commission's proceedings shall be prepared, kept, and signed by the City Clerk and approved in writing by the Mayor. In addition, the City Clerk shall perform such other duties as are prescribed by this Charter, the General Laws of the State, or by the Commission.

**Section 22.** The Director of the Department of Law must be an attorney-at-law and may be termed "City Attorney." He shall be the legal adviser, City Attorney, and counsel for the City and for all the officers and departments thereof in all matters relating to their official duties, and shall perform such other duties as may be imposed upon him from time to time by the Commission, either by ordinance or resolution, provided, however, that the City Commission may at any time employ such other counsel as it may deem necessary for the good of the City.

**Section 23.** The Commission, City Manager, the director of any department, or any officer or board, not included in any department, may require the opinion of the City Attorney upon any question of law, involving their respective powers and duties.

**Section 24.** The Director of Finance shall have direct supervision over the administration of the financial affairs of the City insofar as they relate to the keeping of accounts and financial records and the disbursing of City funds. He shall be the disbursing agent of the City, and shall perform such other duties as the Commission may by ordinance or resolution prescribe. The City Treasurer shall have supervision over the collection of taxes, special assessments, or other revenue, and of the proper recording of such receipts. The Treasurer shall make daily report to the Director of Finance of the financial transactions of the day, including the amount of cash received, and such other information as may be necessary for a proper financial record of the City's business, and shall perform such other duties as may be prescribed by the City Commission. **[Amended and adopted 11-4-30; 11-8-2005]**

**Section 25.** The Director of Public Works and Service shall, except as otherwise provided in this Charter, or by the Commission, manage and have charge of the construction, improvement, repairs, maintenance of streets, sidewalks, alleys, lands, bridges, viaducts, and other public highways; of sewers, drains, ditches, culverts, canals, and water courses; of municipal water supply, and all works, lands, water, lands under water, dams, pumping station, ways, mains, pipes, and all other works connected therewith, of all public buildings, public places, and grounds; of the establishment, development, and maintenance of parks and playgrounds, but not the management and supervision of such parks; of all sewage and garbage disposal and reduction plants and all other public utilities owned or operated by the City. He shall have charge of the enforcement of all the obligations of privately owned or privately operated public utilities enforceable by the City; of making and preservation of surveys, maps, plans, drawings, and estimates for public work; of the cleaning, sprinkling, and lighting of the streets and public places.

**Section 26.** The Director of Public Welfare shall have the supervision and management of all charitable, correctional, and reformatory institutions and agencies belonging to the City; the supervision of the use of recreational facilities of the City, including parks and playgrounds; the inspection and supervision of public entertainments; the study and research into the causes of poverty, delinquency, crime, and the relief and prevention thereof; and other welfare and social problems in the community, and such other duties as the Commission may by ordinance or resolution prescribe.

**Section 27.** The Director of Public Safety shall have supervision of and enforce all the laws and ordinances relating to buildings, weights, and measures, City pounds, the preservation of the public peace and order, and all other laws and ordinances, the enforcement of which is not specifically provided for in this Charter. He shall have the control and management of the Police and Fire Departments, which Departments shall consist of a Chief of each and such other officers, patrolmen, firemen, and other employees or members as the Manager may determine, except that the City shall employ not less than 1.17 full-time professional fire fighters per 1,000 of population, as indicated by the most recent United States census. **[Amended and adopted 11-2-2004]**

**Section 28.** The Director of Public Safety and the Chief of the Fire Department shall be vested with all the powers of State Fire Wardens.

**Section 29.** The Director of Public Safety and all members of the Police Department shall have the same powers as sheriffs and constables in the serving of civil and criminal process, in the making of arrests, both within and without the City, but within the state. They shall have the power to arrest, without process, all persons, who in the presence of the officer, shall be engaged in the violation of any law, and to detain such person until complaint shall be made as speedily as possible after such arrest.

**Section 30.** The Chief of the Fire Department or person in charge of the department at any fire, may cause any building to be razed or destroyed, when deemed necessary, in order to arrest the progress of a fire, and no action shall be maintained against any person or against the City therefor.

**Section 31.** The Director of Public Safety shall have such other powers and perform such other duties as the Commission may by resolution or ordinance prescribe.

**Section 32.** The Director of Public Health shall be a man of recognized qualifications in public health administration, and shall have and exercise for the City all the powers and authority conferred upon boards of health and health officers by the general laws of the State and by this Charter. It shall be his duty to enforce all laws and ordinances pertaining to public health, and such other duties as the Commission may by resolution or ordinance prescribe.

**Section 33.** The Director of Finance shall designate a purchasing agent, by whom all purchases for the City shall be made and all vouchers for the payment of the same approved. He or she shall also conduct all sales of personal property which the City Commission may authorize to be sold. **[Amended and adopted 11-6-2007]**

**Section 34.** No purchase shall be made excepting on requisition, by the head of a department, countersigned by the City Manager, and when the office of the Director of Finance is created by the Commission, then such requisition shall also be approved by the Director of Finance. No purchase shall be made in excess of appropriations. The City Commission shall set a purchasing limitation by resolution, adopted at the same time the annual city budget is approved. No purchase shall be made in excess of the purchasing limitation without the approval of the City Commission. **[Amended and adopted 11-8-1955; 11-6-2007]**

**Section 35.** The City Commission shall appoint at least one of its own members and the City Assessor and such additional representatives to which the City is or may be entitled, who shall be the City's representatives on the Board of Supervisors of Oakland County.

**Section 36.** The representatives of the City aforesaid, shall be endowed with all the rights, powers, and duties conferred upon supervisors of townships by the General Laws of the State, except where otherwise provided in this Charter.

**Section 37.** The Manager, with the approval of the City Commission, shall fix the salary or compensation of the heads of all the departments, except the Departments of Law and the City Clerk, and shall also fix the salary or compensation of the employees of all the departments, including the employees of the Departments of Law and the Office of the City Clerk; provided that this shall not be deemed to include officers or employees required in the conduct of elections, either primary, general, or special. The Commission shall fix the salary of the

Manager, the Directors of the Departments of Law, Associate Counsel, and the City Clerk. **[Amended and adopted 11-5-1957; 11-8-2005]**

**Section 38.** All appointive officers of the City shall perform such duties as shall be prescribed by ordinance, this Charter, and the General Laws, which may be required by the Commission and the heads of departments.

**Section 39.** Relatives by blood or marriage of any Commissioner or the Manager, within the first degree of consanguinity or affinity, are hereby disqualified from holding any appointive office during the term for which the said Commissioner was elected, or during the tenure of office of said Manager.

**Section 40.** The compensation of all officers and employees of the City, including all election officials, shall be fixed by the Commission, except as otherwise specifically provided herein.

**Section 41.** Every officer shall, before he or she enters upon the duties of his or her office, subscribe and file with the Clerk an oath to support the Constitution of the United States and the Constitution of the State of Michigan, and faithfully perform the duties of the office to the best of his or her ability.

**Section 42.** The Commission may require any officer or employee to give a bond for the faithful performance of his or her duty, in such amount as it may determine, and the premium thereof shall be paid by the City.

**Section 43.** Any officer or employee, required by the provisions of this Charter, and General Laws of the State, by any ordinance of the City of Royal Oak, or by the Commission, to give bond, shall not enter upon the duties of his or her office or employment until such bond shall be duly filed, approved, and recorded.

**Section 44.** All such bonds, except as herein otherwise provided, shall be approved by the Commission and filed with the Clerk, excepting the bond of the Clerk, which shall be filed with the Treasurer.

**Section 45.** No elective officer shall hold any office or employment, except that to which he was elected, compensation for which is to be paid out of City funds, nor be elected or appointed to any office created or the compensation of which was increased or fixed by the Commission while he was a member thereof, until the expiration of one year from the date when he ceased to be a member of the Commission.

**Section 46.** All bonds required under the provision of this Charter shall be surety company bonds.

**Section 47.** Each Commissioner hereafter elected shall receive the sum of \$20 for each regular or special meeting of the Commission attended by him, but not to exceed the sum of \$1,200 per annum. The Mayor shall receive the sum of \$40 for each regular or special meeting of the Commission attended by him, but not to exceed the sum of \$2,000 per annum. **[Amended and adopted 11-8-1955]**

**Section 48.** The Public Library of the City of Royal Oak shall be administered by a Library Board of not less than five members, whose duties shall be fixed by ordinance and whose members shall be appointed for fixed terms by the City Commission. Such Board shall appoint the Librarian and subordinate employees of the library and fix their compensation. Such Board may also make purchases for the library without the requisition specified in Section 34 of this chapter; provided, however, the total amount expended by said Board in any one year for compensation of employees, purchases, and other expenses shall not exceed the appropriation allowed for library purposes in the annual budget; and provided further, that no purchase or lease in excess of \$500 shall be made without the approval of the Commission. **[Amended and adopted 11-6-1928]**

## **CHAPTER FOUR**

### **Registration, Nomination, Election, and Recall<sup>1</sup>**

#### **REGISTRATION**

**Section 1.** The provisions of the Michigan Election Law, except as herein otherwise provided, shall apply to and control the registration of electors and the conduct of elections in the City of Royal Oak. **[Amended and adopted 11-5-1957]**

**Section 2.** Nomination. Prospective candidates for any elective office shall be nominated from the City at large by petition. Nominating petition forms shall be provided by the City Clerk. Petitions for each prospective candidate shall be signed by not less than 500 qualified and registered electors of the City of Royal Oak and shall be filed with the City Clerk on or before 4:00 p.m. of the ninth Tuesday, preceding the election in question. A filing fee as set by the City Commission shall be paid to the City Treasurer on behalf of each candidate not later than 4:00 p.m. of the ninth Tuesday preceding the election in question. Each elector signing any such petition shall indicate his address and the date of signature. No elector shall sign petitions for more candidates for any office than the number of persons to be elected to such office. All such petitions shall conform to constitutional and state law requirements as to substance, form, and means of collection. **[Amended and adopted 11-6-1990; 3-29-2001; 11-8-2005]**

**Section 3.** The City Clerk shall forthwith examine such petitions and if satisfied that the required number of qualified and registered electors have signed the same, he shall endorse thereon the word "APPROVED" with the date of filing the same; but should he find that the said petition does not contain the required number of names of qualified and registered electors as herein provided, he shall immediately return such petition to the person offering the same for filing, with the statement of the additional number of names of qualified and registered electors required. **[Amended and adopted 9-12-1950]**

**Section 4.** When any such petition shall be found to contain the required number of names of qualified and registered electors, the City Clerk shall forthwith notify the person therein placed in nomination. Such person shall thereupon and in not less than 27 days preceding such election file with the City Clerk his acceptance of such nomination and an affidavit as to his qualification, which may be in the following form: **[Amended and adopted 9-12-1950]**

STATE OF MICHIGAN

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<sup>1</sup> Editor's Note: See also Ch. 58, Elections.

COUNTY OF OAKLAND--(ss):

I, \_\_\_\_\_, hereby accept the nomination for the office \_\_\_\_\_ in said City, and being duly sworn say that I reside at \_\_\_\_\_ street, City of Royal Oak, County of Oakland, State of Michigan; that I am a qualified and registered voter therein and otherwise qualified for said office; (the following applies to Mayor and Commissioners) that I am 25 years of age, a freeholder of the City and will have been a resident of the territory included in the City of Royal Oak at least two years prior to the date of such election.

Signed \_\_\_\_\_

Subscribed and sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_, Year \_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for Oakland County

**Section 5.** Whenever it shall be necessary at any municipal election to elect an officer to fill a vacancy such fact shall be stated in the petition filed in support of the same and the Board shall distinguish thereon candidates for unexpired term from candidates for the regular full term.

**Section 6.** The City Clerk shall prepare and keep on hand blank forms of the nominating petitions above prescribed for the use of voters and candidates in said City.

**Section 7.** All such nominating petitions shall be open to public inspection after being filed in the office of the City Clerk during regular office hours.

**Section 8.** Upon the expiration of the time for filing the petitions of candidates and at least eight days prior to the date of any municipal election, the City Clerk shall cause a notice of such election to be published in a newspaper in the City, designated by the City Commission. Said notice shall specify the time when, and the place where, such election is to be held and the offices for which candidates are to be elected. Said City Clerk shall, at the same time and in like manner, publish a notice containing the names of the persons for whom petitions have been filed as candidates for the several offices, which notice shall be included in the notice of the election. [Amended and adopted 11-5-1957]

**Section 9.** Voting machines may be used for the casting, registering, recording, and counting of votes at any general municipal election or special municipal election, and the construction, operation, maintenance, custody, and use of said machines shall be in accordance with the general laws of the State relating to voting machines, so far as applicable. The City Clerk shall

cause a sufficient number of absent voters' ballots to be printed and filed in his office for use at such elections in accordance with the general election laws of the State, so far as applicable. **[Amended and adopted 11-7-1939]**

**Section 10.** The ballot labels for use on voting machines and absent voters' ballots for use at such general or special municipal elections shall be in the same general form as provided by law for general elections insofar as applicable, but such election ballot label or ballot shall be made or printed without any party mark, emblem, vignette, or designation whatever, and the general laws of the state relating to ballot labels and ballots, their printing, arrangement on machines, and numbering, shall govern insofar as applicable. The names of candidates for the several offices shall be transposed and alternated in accordance with the provisions of the general election laws, insofar as applicable. **[Amended and adopted 11-5-1957]**

**Section 11.** The City Commission shall provide polling places for the several precincts and shall provide and cause to be kept by the Clerk for use at all elections one or more voting machines for each polling place. **[Amended and adopted 11-7-1939]**

**Section 12.** The inhabitants of the City, having the qualifications of electors under the Constitution and General Laws of the State, and no others, shall be electors therein, and every elector shall vote in the election district where he shall have resided during the 30 days next preceding the day of election, unless such 30th day shall fall on a Saturday, Sunday, or legal holiday, in which event registration transfer shall be accepted during the next full working day. The residence of any elector, not being a householder, shall be deemed to be in the election district in which is located his regular place of lodging. **[Amended and adopted 11-5-1957]**

## **ELECTIONS**

**Section 13.** A biennial election of officers shall be held within said City on the first Tuesday after the first Monday of November.

**Section 14.** Special elections may be called by resolution of the City Commission and held at such times and places as it shall determine, the purpose and object of such election shall be fully set forth in the notice of such election; provided, however, that not more than two special elections may be called in one year, provided, however, that the first biennial election held after the adoption of this Charter shall be held on the first Tuesday after the first Monday in November, 1923, and biennial thereafter and all officers elected at the time of adoption of this Charter shall hold office until their successors are elected and qualified; provided, further, that the first election shall be held in said City on the eighth day of November, A.D. 1921.

**Section 15.** The Board of City Election Commissioners shall consist of the City Clerk, City Attorney and City Assessor. It shall be the duty of the City Election Commission before each election to appoint for each election precinct, at least three inspectors and as many additional inspectors as in its opinion is required for the efficient, speedy and proper conduct of such election and shall designate one such inspector as Chairperson. Inspectors shall not be members of the City Commission nor candidates for any elective office within the City. The City Election Commission shall conform to MCL 168.25 as amended. **[Amended and adopted 11-5-1957; 8-4-1998]**

**Section 16.** Any matter, which by the terms of this Charter, shall be submitted to the electors of the City at any special election, may be submitted at any regular election.

**Section 17.** The official ballot language shall be substantially as follows: **[Amended and adopted 11-4-1947; 8-4-1998]**

FOR MAYOR  
(Vote for One)  
(Names of Candidates)

FOR CITY COMMISSIONER  
(Vote for Six) (In the 1947 Election)  
(Vote for Three) (After 1947)  
(Names of Candidates)

TO FILL A VACANCY IN OFFICE OF

---

FOR UNEXPIRED TERM

(To be used only when necessary).  
(Names of Candidates)

The official ballot for absentee voters and for use in case of emergency when for any reason voting machines cannot be used, shall be similar in form as above and shall also bear the following heading:

CANDIDATES FOR CITY OFFICES FOR THE CITY OF  
ROYAL OAK AT THE REGULAR MUNICIPAL ELECTION  
(Place a cross, "X", or checkmark in the square opposite  
the names of the persons for whom you desire to  
vote for the respective offices.)

**Section 18.** The City Clerk shall prepare and deliver all voting equipment to polling places prior to the opening of the polls and, at the close of the polls, the election inspectors shall deliver election returns to the City Clerk, in compliance with the provisions of the Michigan Election Law relating to the use of voting equipment at elections. Challengers may be designated in the manner provided in the Michigan Election Law. **[Amended and adopted 11-5-1957; 8-4-1998]**

**Section 19.** The City Board of Canvassers shall convene within seven days after any election having municipal offices, questions, or propositions on the ballot, for the purpose of canvassing ballots and certifying results under the seal of the City, for entry into the minutes of the City Commission, and which shall be kept on file with the City Clerk. The City Commission may appoint the Oakland County Board of Canvassers to act as the City Board of Canvassers and to assume all rights and responsibilities provided for in the City Charter. **[Amended and adopted 8-4-1998; 11-6-2007]**

**Section 20.** The person receiving the greatest number of votes for any office in the City shall be deemed to have been duly elected to such office; and if there be no choice for any office, by

reason of two or more candidates having received an equal number of votes, the City Board of Canvassers shall, at the meeting mentioned in Section 19, determine by lot between such persons, which shall be considered elected to such office. **[Amended and adopted 8-4-1998]**

**Section 21.** All elective officers of the City elected under the provisions of this Charter at the regular biennial municipal election, shall enter upon the duties of their office on the first Monday of December following their election, provided, however, that all elective officers elected at the first election to be held upon the adoption of this Charter shall enter upon the duties of their office on the 12th day of December 1921.

**Section 22.** A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with the provisions of the Michigan Election Law. Any petition for a recount of the votes cast at any City election shall be filed with the City Clerk by 5:00 p.m. on the second full day on which the Clerk's office is open for business after the official canvass of the vote. Such petition shall be accompanied by a deposit as set by the City Commission, which shall be returned to the petitioner if on a recount the candidate shall have been found to have been lawfully elected or the proposition to have carried, otherwise such deposit shall be paid into the general fund of the City. Upon the receipt of such a petition for a recount, the City Clerk, City Attorney, and City Assessor, on the same day or as soon thereafter as may be, shall open the counter compartments of the voting machines used in said election, and, without unlocking the machine against voting, re-canvass the votes cast thereon. The City Clerk, City Attorney, and City Assessor shall then report the results of said re-canvass to the City Commission, which shall enter the results of said re-canvass in the journal of its proceedings and shall determine what person or persons are elected, and what proposition or propositions have been carried. **[Amended and adopted 11-5-1957; 11-8-2005]**

**Section 23.** Any person who shall agree to perform any service, in the interest of any candidate for any office provided for in this Charter, in consideration of any money or other valuable thing for such services performed in the interest of any candidate, shall upon conviction, be punished by a fine not exceeding \$300, or by imprisonment in the county jail not exceeding 30 days, or both in the discretion of the court.

**Section 24.** It shall be unlawful for any candidate at any municipal election or any person in his behalf, directly or indirectly, to employ either with money, promises of money or other valuable considerations, office, place of employment, or any person to do any campaign work, electioneering, or soliciting votes for such candidate, and it shall be unlawful for any person to agree to perform any such service in behalf of any such candidate for any consideration, profit, or benefit whatsoever. Any violation of this section shall be a misdemeanor, and shall be punished as provided in the preceding section.

**Section 25.** It shall be unlawful for any candidate for any municipal office, or any one in his behalf, directly or indirectly, to employ or hire any conveyance for the purpose of conveying voters to the polls at any municipal election. Any violation of this section shall be a misdemeanor, and shall be punished as provided in Section 22 of this Chapter.

**Section 26.** At all elections, the polls shall be opened at 7:00 a.m. (Eastern standard time) in the forenoon and shall remain open until the hour of 8:00 p.m. (Eastern standard time) in the afternoon.

**Section 27.** The election precincts of the City shall be altered or rearranged by the City Commission in accordance with the provisions of the Michigan Election Law. **[Amended and adopted 11-5-1957]**

**Section 28.** In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify within 10 days after receiving his certificate of election, dies, resigns, is removed from office, removes from the City, or is convicted of a felony.

**Section 29.** Recall. Any qualified and registered elector of the City may make and file with the Clerk a petition for the recall of any elective officer. Said petition shall contain the name of the person sought to be recalled and a specific statement of the grounds for removal. The Clerk shall thereupon accept said petition and retain the same in a convenient place for a period of 30 days for the acceptance of signatures. **[Amended and adopted 9-12-1950]**

**Section 30.** Within 10 days after the expiration of the time when said petition had remained on file with the Clerk, the Clerk shall ascertain by examination thereof, the number of names affixed to said petition of the qualified and registered electors of the City, by comparing the same with the registration books of said City, and if said petition shall contain names equal to 25% of the qualified and registered electors voting in the last general municipal election, said petition shall be deemed to contain the requisite number of names of qualified and registered electors necessary for the recall of said officer; and the Clerk shall attach a certificate of the result of such examination. **[Amended and adopted 9-12-1950]**

**Section 31.** If his certificate shows the petition to be insufficient, he shall within the said 10 days so notify in writing one or more of the persons designated on the petitions filing the same. Additional signatures, properly verified, may be filed at any time within the 10 days from the filing of the certificate. The Clerk shall, within 10 days after filing additional signatures, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient, or if no additional signature are filed, he shall return the petition to one of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

**Section 32.** When the petition shall be found and certified by the Clerk to be sufficient, he shall submit the same with his certificate, to the Commission without delay, and the Commission shall, if the officer sought to be removed does not resign within five days after, forthwith, after said five-day period, order and fix a date for holding the said election, not less than 30 days nor more than 40 days from the date of the Clerk's certificate that a sufficient petition is filed, provided, however, that if any other municipal election is to occur within 60 days from the date of the Clerk's certificate, the Commission shall postpone the holding of the recall election to the date of such other municipal election.

**Section 33.** The said election shall be conducted, returned, and the result thereof declared, in all respects as are other city elections. If a vacancy occurs in said office after a recall election has been ordered, the Commission shall rescind the order calling such election and the same shall not be held.

**Section 34.** If at such recall election a majority of the votes cast shall be "For the Recall," then such officer shall be deemed to have been recalled and the said office vacant.

**Section 35.** The incumbent shall continue to perform the duties of his office until the recall election. If not then recalled, he shall continue in his office for the balance of his term.

**Section 36.** No recall petition shall be filed against any officer until he has actually held his office for at least three months.

**Section 37.** No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years after such removal or resignation.

**Section 38.** Upon the ballot used at any election for the recall of an elective officer, there shall be printed in not more than 200 words, the reasons for demanding the recall of the officer, whose removal is sought, in such election, and in like manner upon the same ballot, in not more than 200 words, the officer sought to be removed, may justify his course in answer to the reasons directed against him.

**Section 39.** The ballot at any recall election shall be in substantially the following form:

OFFICIAL RECALL BALLOT  
(The statements as specified in Section--)

( ) For the recall of (name of officer sought to be removed) from the office of (title of office).

( ) Against the recall of (name of officer sought to be recalled) from the office of (title of office).

**CHAPTER FIVE**  
**Municipal Court**  
**[Amended and adopted 8-7-1956; repealed at 11-8-2005**  
**election and remaining chapters renumberd]**

**CHAPTER FIVE**  
**Ordinances**

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

**Section 2.** The adoption of any ordinance by the Commission shall require for its passage the concurrence of a majority of all the members of the Commission.

**Section 3.** The time when any ordinance shall take effect shall be prescribed therein, which time shall not be less than 10 days from the date of its passage, except emergency ordinances, which may be given immediate effect. No ordinance shall be finally passed on the day it is introduced, except in case of public emergency. An emergency ordinance shall be defined to be

one necessary for the immediate preservation of the public peace, property, health, safety, or providing for the usual daily operation of a department which contains a statement of its urgency.

**Section 4.** Immediately upon the final passage of any ordinance, the Mayor and Clerk shall sign the same under a certificate of the day and date of its passage.

**Section 5.**

- (a) Except as otherwise provided in this section, all ordinances shall be published once within one week of their passage, in a newspaper printed and circulating within the City. The Clerk shall certify on the record of ordinances, the date of publication and newspaper in which any ordinance was so published. Such certificate shall be prima facie evidence that legal publication of an ordinance has been made.
  
- (b) The Commission may direct a codification of the general ordinances of the City in loose-leaf or pamphlet form and cause such codification to be maintained thereafter in current form. Any such codification may originally include provisions not previously contained in ordinances of the City. The Commission shall provide for making printed copies of the original codification available for public inspection and for distribution to the public at a reasonable charge and shall publish notice of the printing and availability of such original codification at least 10 days before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute publication of any such original codification. **[Amended and adopted 11-3-1953]**

**Section 6.** All ordinances shall be recorded in an index book marked "Ordinance Record;" and record of each ordinance shall be authenticated by the signature of the Mayor and Clerk. Such record and authentication shall be done within one week after the final passage of any ordinance, but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

**Section 7.** No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of any ordinance is amended, the whole section shall be re-enacted.

**Section 8.** Prosecutions for violation of any ordinance of the City shall be commenced within two years after the commission of the offense; provided that the limitations herein imposed shall only apply to violations penal in their nature, and shall not be construed as a limitation of the City's right to forfeit any franchise, grant, or license for violation of the terms and conditions thereof, after said two-year period.

**Section 9.** Prosecutions for violations of the ordinances of the City may be commenced by warrant, and all process in such cases shall be in the name of "The People of the State of Michigan." The practice in such cases shall be the same, as near as may be, as in the criminal cases cognizable by Justices of the Peace under the General Laws of the State or as may be provided for cases cognizable by the Municipal Court hereafter created. **[Amended and adopted 9-12-1950]**

**Section 10.** All process issued in any prosecution or proceeding for the violation of any ordinance, shall be directed to any police officer of the City, or County of Oakland, and may be executed in any part of the State by said officer or any other officer authorized by law to serve process issued by a Justice of the Peace.

**Section 11.** In all judicial proceedings it shall be sufficient to plead any ordinance by title and the number of section or sections, and it shall not be necessary to plead the entire ordinance or section.

**Section 12.** Judicial notice shall be taken of the enactment, existence, provisions, and continuing force of all ordinances of the Village of Royal Oak adopted under the provisions of this Charter.

**Section 13.** Whenever it shall be necessary to prove any ordinance or resolution of the Commission, in any judicial proceedings, the same may be proved from the record thereof kept by the Clerk, by a copy thereof, duly certified by the Clerk under the seal of the City, or from any volume purporting to have been published, printed, or compiled by authority of the Commission.

**Section 14. Ordinance Violation: Penalties.** The Commission has the authority to provide for the punishment of those who violate its ordinances. Punishment for the violation of any ordinance shall not exceed a fine of \$500 and/or imprisonment for 90 days or such fine and/or term as allowed for by the State of Michigan, in the discretion of the court. **[Amended and adopted 11-2-1999]**

**Section 15.** All ordinances, regulations, and resolutions in force at the time this Charter shall take effect and not inconsistent with the provisions thereof, shall remain and be in force until amended, modified, or repealed.

## **CHAPTER SIX Initiative and Referendum**

**Section 1.** Any proposed ordinance may be submitted by petition, signed by qualified electors of the City, equal in number to the percentage hereinafter required. The procedure in respect to such petition shall be the same as provided in Sections 2, 3, 4, and 5 of Chapter Five except that petitions may be circulated for signature instead of being signed at the office of the City Clerk, with such modifications as the nature of the case requires, except that no blank form shall be furnished or preliminary affidavit made.

**Section 2.** If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to at least 15% of the electors voting at the last preceding general municipal election, and contains a request that said proposed ordinance be submitted to a vote of the people, the Clerk shall thereupon ascertain and certify its number of qualified signers, whereupon if such certificate shows the required number of qualified signers, the Commission shall within 20 days thereafter either,

- (a) Pass said ordinance without alteration (subject to the referendum provided by the Charter), or

- (b) Call a special election, to be held within 30 days, unless a general or special municipal election is to be held within 90 days thereafter, and at such general or special municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of said City.

**Section 3.** If the petition be signed by qualified electors equal in number to at least 5% but less than 15% of all the electors voting at the last preceding general municipal election, as shown in the manner hereinafter provided, and said proposed ordinance be not passed without alteration by the Commission within 20 days, as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the Commission to electoral vote at the next general municipal election that shall occur at any time after 30 days from the date of the Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

**Section 4.** No ordinance, except an emergency ordinance, shall take effect before 10 days after its final passage. If, within said 10 days, 100 electors of the City shall file a notice in writing with the Clerk, of their intention to circulate a petition for submitting said ordinance to the electors for their adoption or rejection as herein provided, then said ordinance shall not become effective until 30 days after its final passage by the Commission; provided that if petitions containing the requisite number of signatures required are not filed in accordance with such written notice within said 30 days, then said ordinance shall become effective after the expiration of said thirty-day period. If within said 30 days, a petition signed by qualified electors of the City equal in number to at least 10% of all of the electors voting at the last preceding general municipal election, be presented to the Commission, protesting against such ordinance taking effect, the same thereupon and thereby be suspended from taking effect, the Commission shall immediately reconsider such ordinance, and if the same be not entirely repealed, the Commission shall submit it, by the method provided in this Charter, to a vote of the qualified electors of the City, either at the next general municipal election or at a special election, which may in their discretion be called by them for that purpose, and such ordinance shall not take effect unless a majority of the qualified electors voting on the same at such election, shall vote in favor thereof; provided, however, that the foregoing provisions shall not apply:

- (a) To ordinances required by the General Laws of the State or by the provisions of this Charter.
- (b) To emergency ordinances; provided no grant or franchise shall be construed to be an emergency ordinance.

**Section 5.** The procedure in respect to such referendum petition shall be the same as provided in Section 2, 3, 4, and 5, of Chapter Five of this Charter, with such modifications as the nature of the case may require, except that no blank forms shall be furnished or preliminary affidavit made, except as heretofore provided.

**Section 6.** The Commission may, of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as provided in this Charter for submission on petition. If the provisions of

two or more proposed ordinances, or measures adopted or approved at the same election are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

**Section 7.** Whenever any proposed ordinance is required by the Charter to be submitted to the electors at any election, the Commission shall cause it to be published in a newspaper published and circulating in the City, once in each week for two successive weeks immediately preceding such election.

**Section 8.** The ballots used when voting upon such ordinance shall state the nature of the ordinance in terms sufficiently to identify it, and on separate lines, the words, "For the Ordinance," and "Against the Ordinance." If the majority of the qualified electors voting on said proposed ordinance shall vote "For the Ordinance," the same shall thereupon become an ordinance of the City and shall take effect as provided in this Charter.

**Section 9.** Provisions shall be made on separate ballots for voting upon all proposed ordinances.

**Section 10.** Any ordinance adopted under this Charter, by electoral vote, cannot be repealed or amended, except by electoral vote.

**Section 11.** The Commission may, by ordinance, make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this chapter.

**Section 12.** No franchise, grant, or license shall be submitted under the provisions of this Charter, to the electors at a special election, unless the expense of holding the election, as determined by the Commission, shall be paid to the Treasurer in advance of calling such election by the grantee in said franchise, grant, or license.

**Section 13.** The Zoning Ordinance of the City of Royal Oak, as now in effect, shall not be repealed without submitting the question of said repeal to a vote of the electors, as provided in Section 6 of this chapter, but the Zoning Ordinance may be amended at any time, in accordance with the provisions of the State Law governing such amendments. [**Amended and adopted 11-4-1947**]

## **CHAPTER SEVEN**

### **Franchises**

**Section 1.** No franchise or grant shall be granted by the City for a longer period than 30 years. No license shall be granted by the Commission for a longer term than one year.

**Section 2.** Every permit granted by ordinance shall be accepted in writing by the grantee before said ordinance takes effect, and every franchise or modification of a franchise, before it is submitted to the electors, shall be so accepted. Such acceptance shall be filed with the Clerk. Any non-compliance with this section shall automatically annul such permit or franchise.

**Section 3.** No franchise or grant which is not revocable at the will of the Commission, shall be granted or become operative until the same shall have been referred to the people at a general or special election and has received the approval of a majority of the electors voting thereon at such election.

**Section 4.** No person, firm, or corporation shall ever be granted any exclusive franchise, license, right, or privilege whatsoever.

**Section 5.** No franchise, granted by the City, shall ever be leased, assigned, or otherwise alienated except in accordance with the express provisions of said franchise, and all franchises granted by the City shall provide how, and in what manner, and under what conditions, said franchise may be leased, assigned, or alienated, and no dealing with the lessee or assignee on the part of the City, which shall recognize the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to have operated as such consent.

**Section 6.** No change or modification of any franchise or grant or rights or powers previously granted to any corporation, firm, person, or association of persons shall be made, except in the manner and subject to all conditions herein provided for, in the making of original grants and franchises.

**Section 7.** The grant of every franchise or privilege 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 the safety in the most ample manner, 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 danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient, and proper service, extensions, and accommodations for the people and insure their comfort and convenience.

**Section 8.** The City, by and through its Commission, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles, and wires by any other corporation to which the City shall grant a franchise, subject to reasonable rental therefor. Any franchise or right which may hereafter be granted, to any person or corporation to operate a street railway within the City or its suburbs, shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway, within or into the City, the right to operate its cars over

the tracks of said street railway insofar as it may be necessary to enter and leave the City and to reach any section thereof used for business purposes provided, however, that the person or corporation desiring to operate its cars over the lines of said street railway, shall first agree in writing with the owner thereof as to terms and conditions and to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, terms, and conditions within 60 days from offering the same in writing, then the Commission shall, by resolution, after hearing the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the Commission, when so made, shall be binding upon and observed by the parties concerned.

**Section 9.** The Manager and Director of Public Works and Service shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. The Manager shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law and may revoke, cancel, or annul all franchises that may have been granted by the City, which have become in whole or in part or which for any reason are illegal or void and not binding upon the City.

**Section 10.** The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the Commission to insert in such franchise or grant any other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures, or any other provisions whatever as it shall deem proper to protect the interests of the people.

**Section 11.** The Commission may grant a permit at any time, in or upon any street, alley, or public place, provided such a permit shall be revocable by the Commission at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not: Provided, that when such a permit is granted for water mains, sewers, or drains, it may be irrevocable unless the grantee be a private person, firm, or corporation. **[Amended and adopted 8-3-1954]**

**Section 12.** No franchise, lease, or right to use the street or public places or property of the City shall be granted by the City without fair compensation to the City therefor. Where the franchise, lease, or grant fixes the rate of fare or the rate to be charged for the service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change at the end of every ten-year period during the life of said franchise in such manner and form as in said franchise shall be provided. No such compensation by any such grantee shall ever be in lieu of any lawful taxation upon its property, or of any license or charges which are not levied on account of such use.

**Section 13.** All contracts, grants, rights, privileges, or franchises for the use of streets and alleys of this City not herein mentioned shall be governed by all the provisions of this Charter, and all amendments, extensions, or enlargements of any contract, right, privilege, or franchise previously granted by this City to any persons, firm, or corporation, for the use of the streets and alleys of such City, shall be subject to all the conditions herein provided for the making of original grants and franchises.

**Section 14.** All contracts, granting or giving any original franchise, right, or privilege, or extending or renewing or amending any existing grant, right, privilege, or franchise, shall be made by ordinance and not otherwise.

**Section 15.** The Commission shall by ordinance provide for efficient inspection and regulation of all public utilities operated in the City and to that and<sup>2</sup> shall provide for the inspection of the quality and pressure of the gas furnished to consumers, the candle power, voltage, and insulation of electric wires, heat, and power furnished the City and its inhabitants, and the inspection and installation of meters for registering the consumption of any commodity sold by any grantee operating under any franchise, grant, or license from the City of Royal Oak or the State of Michigan. It being the intention of this section to provide means for securing to the City efficient service from all public utilities operated in the City and the proper observance by such operators of the conditions imposed by their respective franchises, ordinance, and the laws of the State.

**Section 16.** The City may purchase or condemn the franchises and property used in the operation, by companies or individuals, engaged in hospital, electric light, gas, heat, power business, and may purchase the franchises and property of street railway and tram railway companies. The City may make a contract, upon such terms, including terms of present or deferred payment or by the issuance of bonds in payment therefor, as herein provided, and upon such conditions and in such manner as the municipality may deem proper, to purchase, operate, and maintain any existing public utility property for supplying heat, light, power, or transportation to the City and the inhabitants thereof.

**Section 17.** No such contract shall bind the municipality unless the proposition therefor shall receive the affirmative vote of three-fifths of the electors voting thereon at a regular or special election. In the event of the purchase of a transportation utility, the Commission shall within a reasonable time establish a system of civil service for selection and retention of the employees.

## **CHAPTER EIGHT**

### **General Finances**

**Section 1.** The fiscal year of the City of Royal Oak shall commence on the first day of July in each year. **[Amended and adopted 11-3-1992]**

**Section 2.** Accounts shall be kept by the Director of Finance showing the financial transactions of the City. The Director of Finance shall prescribe forms, subject to the approval of the Commission, for keeping such accounts and such forms shall be adequate to record all cash receipts as reported by the Treasurer; all cash disbursements, all revenue accrued and liabilities incurred, and all transactions affecting the acquisition, custody, and disposition of all property belonging to the City, and make such reports of the financial transactions and conditions of the City as may be required by law, ordinance, or resolution. Adequate cost records shall be kept in all departments of the City; also a complete financial record of all property of the City and the cost and value thereof. **[Amended and adopted 11-4-1930]**

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<sup>2</sup> Editor's Note: So in original.

**Section 3.** Payments by the City shall be made only upon vouchers certified by the head of the appropriate department or division of the City government by means of draft, check, order, or warrant, duly approved by the Commission and signed by the Director of Finance, and countersigned by the Treasurer. The Director of Finance shall be responsible for the disbursing of City funds, and shall examine all payrolls, bills, and other claims and demands against the City, except claims for unliquidated damages, and shall issue no warrant unless he finds that the claim is in proper form, correctly computed, and duly certified; that it is justly and legally due and payable and that payment has been authorized by the Commission; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the City Treasury to make payment. He may investigate any claim, and for such purposes, may examine witnesses under oath. If he finds such bill, claim, or demand is fraudulent, erroneous, or otherwise invalid, he shall report such finding to the Commission and shall not issue a warrant therefor. **[Amended and adopted 4-4-1949]**

**Section 4.** All taxes, special assessments, and license fees, accruing to the City, shall be collected by the City Treasurer. All money received by any officer or employees of the City for or in connection with the business of the City shall be paid promptly in to the City Treasurer, and shall be deposited with such responsible banking institutions within the City designated by the Commission, furnishing such security as the Commission may desire and paying the highest rate of interest, and all such interest shall accrue to the benefit of the City. The Commission shall provide by ordinance for the prompt and regular payment and deposit of all City moneys as required by this section. The Sinking Fund shall be kept separate from other City funds. All fees received by any officer or employee shall belong to the City. **[Amended and adopted 4-4-1930]**

**Section 5.** The revenues raised by general taxation upon all the property in the City, or by loan to be repaid by such tax, shall be divided into such and so many funds as the Commission may by ordinance or resolution determine.

**Section 6.** Not later than 30 days before the end of each fiscal year the Manager shall prepare and submit to the Commission an annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several departments and other divisions of the City government, according to a classification as nearly uniform as possible. The budget shall present the following information:

- (a) An itemized statement of the appropriation recommended by the Manager for current expenses and for permanent improvements for each department and each division thereof, for the ensuing fiscal year, with comparative statement, in parallel columns, of the appropriation and expenditures for the current and next preceding fiscal year and the increases and decreases in the appropriation recommended;
- (b) An itemized statement of the taxes required and of the estimated revenue of the City, from all other sources, for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed;

- (c) A statement of the financial condition of the City and an inventory of all property owned by the City; and
- (d) Such other information as may be required by the Commission.

**Section 7.** The Commission shall, by resolution, levy such taxes each year as may be necessary to meet the appropriations made (less the estimate of the amount of revenue from other sources) and all sums required by law to be raised on account of City debt, together with such addition, not exceeding 10% of the amount of the budget, as may be necessary to meet commissions, fees, and abatements in amount of taxes collected from the estimate, subject in each case to the laws of the State of Michigan.

**Section 8.** The Commission shall have authority within the limits herein prescribed to raise annually by taxation such sums of money as may be necessary to defray the expenses and pay the liabilities of the City and to carry into effect the powers in this Charter granted.

**Section 9.** All sums ordered in the annual appropriation bill in any year, to be raised for the several general funds, shall forthwith be certified by the Clerk to the Assessor and shall be levied and collected upon the assessed valuation of all taxable property within the City.

**Section 10.** All taxes, charges, and penalties, other than special assessments, ordered to be spread on each annual tax roll, shall become a lien upon the property assessed on and after the first day of July in each year.

**Section 11.**

- (a) The total amount of general ad valorem taxes imposed upon real and tangible personal property in the City in any one year, for the purpose of defraying the general expenses and liabilities of the City, exclusive of levies necessary for payment of principal and interest on any bonded indebtedness of the City, shall not exceed 11 mills on each dollar of the assessed valuation of such property, except as otherwise permitted by law or by this Charter.
- (b) In addition to the amount set forth in Subsection (a) above, the City may, for the sole purpose of defraying the general expenses and liabilities of the City for refuse collection, disposal and for a curbside recycling program, raise by a general tax upon the assessed value of all real estate and personal property in the City, a millage for a period not to exceed five years up to 1.00 mill, said tax to be assessed and spread beginning on the first day of July, 2007, pursuant to the provisions of Chapter Eleven of this Charter. [Amended and adopted 4-1-1957; 7-22-1975; 8-7-1990; 8-4-1992; 8-6-1996; 11-6-2001; 8-8-2006]

**Section 12.** In addition to the above amounts, the Commission may raise, by special assessment, in a special assessment district, such sums as they deem necessary, for the purpose of grading, curbing, paving, graveling, and otherwise improving the streets and alleys, and for constructing sidewalks, sewers, and drains, and making other improvements chargeable upon the land and property in the district, according to frontage or benefits, and for all other purposes for which special assessment funds are constituted.

**Section 13.** Money may be borrowed in anticipation of the receipts from taxes during any fiscal year, by the issue of notes or certificates of indebtedness, but the aggregate amount of such loans at any time outstanding shall not exceed 25% of the receipts from taxes during the preceding fiscal year; and all such loans shall be paid out of the receipts from taxes for the fiscal year in which they are issued, except in cases of special assessment.

**Section 14.** No public work or improvement shall be commenced or expenditure made, nor any contract therefor be let or made (excepting as herein otherwise provided) until an appropriation has been made therefor or a special assessment shall have been levied to pay the cost and expenses thereof. No such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of such appropriation or special assessment or from the proceeds of bonds or other obligations issued in anticipation of the collection of such appropriation or special assessment.

## **CHAPTER NINE**

### **Bonds**

**Section 1.** The City and the Commission thereof may borrow money and issue bonds therefor on the faith and credit of said City, provided that at no time shall the bonded indebtedness of the City exceed 5% of the assessed valuation of all real and personal property in the City. School bonds, bonds issued to cover cost of improvements to be paid by special assessment, and bonds issued to cover the cost of purchasing or installing or improving or extending public utilities which are a lien or mortgage on the utility and are payable from the income of such utility and which are not a general obligation of the City, shall not be included in the aforesaid limitation. **[Amended and adopted 4-1-1957]**

**Section 1-A.** The City, and the Commission thereof, may borrow money and issue bonds therefor to pay the cost and expense of enlarging, extending, or improving the water works system of said City, either within or without said City, and to pay the cost of contracting for means or sources of water supply, which said bonds may be secured by mortgage upon the water works system including a franchise stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall not extend for a longer period than 20 years from the date of foreclosure. **[Amended and adopted 12-8-1926]**

**Section 1-B.** The said mortgage bonds shall not be issued or sold unless the amount of the proposed loan and the terms of the proposed security franchise shall have been approved by a three-fifths majority of the electors voting thereon at a general or special election.

**Section 1-C.** That a sinking fund shall be created by the City Commission by setting aside such percentage of the gross earnings of the water works system and its revenues as may be sufficient for the payment of the mortgage bonds at maturity and the interest thereon.

**Section 1-D.** Said bonds shall bear interest at a rate of not more than 5 1/2% per annum.

**Section 2.** Bonds may be issued for the following purposes: sewers, drains, sewage disposal and treatment works and, for enlarging, improving, or extending same; water works, water mains, water filtration, or purifying plants and works, for increasing the water supply and the distribution and protection thereof; fire stations, fire fighting equipment, fire alarm apparatus,

police stations, police equipment, police telegraph and alarm equipment; for the purchase or installation of public utilities, gas and electric generating plants and distributing systems, heating plants, wireless telephone and telegraph stations, street railway or transportation systems or the extension or improving thereof; parks, playgrounds, recreation grounds and building and the improvements thereof; civic and community houses and centers; libraries, hospitals, dispensaries and clinics of all kinds; work houses and farms; almshouses, juvenile homes; grade separations; bridges; viaducts, street improvements, by grading, paving, curbing, or otherwise; markets and market houses; fuel markets and yards; garbage disposal works; garbage collection equipment; street cleaning apparatus; aviation fields or landings; hangers; municipal or public buildings of all kinds; for paying the City's share of street improvements and sewers when said improvements are paid in part by special assessment; for any municipal improvement necessary to advance the peace, health, safety, and welfare of the City or its inhabitants. The cost of procuring sites and furnishings shall be deemed to be a part of all the aforesaid. The aforesaid enumeration of powers shall not be a limitation of the right and power of the City to issue bonds for other purposes; provided, however, that no bonds shall be issued to defray operative and administrative costs and expenses of the City.

**Section 3.** Whenever the Commission shall desire to issue bonds, they shall pass an ordinance, stating the amount of bonds to be issued and the purpose thereof, how and when the same shall be due and payable and the rate of interest thereon, which ordinance shall not finally be passed on the day it is introduced, except in case of public emergency. Such ordinance shall be published once before its final passage by the Commission in a daily or weekly newspaper published and circulating in the City and thereafter shall be published once in each week for three successive weeks immediately preceding the election hereafter provided. The time when such ordinance shall take effect shall be prescribed therein, and it shall be submitted to the electoral vote of said City for adoption or rejection at a general or special municipal election to be held therein, and the Commission is hereby empowered to call a special municipal election, to be held in accordance with the provisions of this Charter and the General Laws of this State, for the submission to the qualified electors the question of issuing bonds for the aforesaid purposes, and all persons owning property which is assessed for City taxes and who have resided in the City three months next preceding said election and who have in addition thereto the qualifications of electors under the Constitution and General Laws of this State shall be eligible to register and vote at such special or general municipal election on said bonding questions. If three-fifths of the votes cast upon the question shall be in favor of the adoption of such ordinance and the issuance of such bonds, then such ordinance shall be considered as adopted and such bonds may be issued. **[Amended and adopted 11-3-1931]**

**Section 4.** The Commission shall have authority to raise money by loan, in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Bonds or notes may be issued for such loans which shall not exceed the amount of the assessment for the completion of the whole work, nor shall such loan be made until after the special assessment roll shall have been confirmed. The Commission shall pledge the faith and credit of the City for the payment of such loan.

**Section 5.** In case of fire, floods, and other calamity, the Commission may borrow, for the relief of the inhabitants of the City and for the preservation of municipal property, a sum not exceeding one-quarter of one per centum of the assessed value of all real and personal property in the City, due in not more than three years. For any such loan lawfully made, the bonds of City may be issued payable in equal annual installments.

**Section 6.** All details as to the terms and forms of bonds and the issue thereof shall be determined by the City Commission.

**Section 7.** The City Commission shall make provision for a sinking fund with which to pay at maturity all bonds issued by the City, except serial bonds which fall due annually.

## **CHAPTER TEN** **Assessment of Taxes<sup>3</sup>**

**Section 1.** For the purpose of making the assessment of the property in the City, the Commission shall appoint, subject to removal, one Assessor and shall provide for his compensation.

The Assessor shall possess all the powers vested in, and be charged with all the duties imposed upon assessing officers by the General Laws of the State, except as otherwise provided in this Charter. **[Amended and adopted 11-2-1954]**

**Section 2.** All property subject to ad valorem taxation shall be assessed at its fair cash value, subject to review as provided by this Charter, the State law, or City ordinance.

**Section 3.** The Board of Review shall consist of three qualified electors, who shall be freeholders of the City, to be appointed by the Commission, and who shall not be connected in any other way with the City Administration. The City Assessor shall attend the meetings of the Board of Review and the City Clerk shall act as Secretary of said Board. The Board of Review shall have and exercise all the powers and duties at present or which in the future may be possessed by Boards of Review under the General Laws of the State, except as herein otherwise provided. The Board of Review shall review and equalize the assessment roll of the City. A majority of such Board shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have the power and it shall be their duty to examine said assessment roll, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations, or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on the said roll, and shall add thereto any taxable property in said City that may have been omitted, and shall value the same and shall strike from said roll any property wrongfully thereon, and generally shall perfect said roll in any respect by said Board deemed necessary and proper. **[Amended and adopted 11-2-1954]**

**Section 4.** The Board of Review shall meet on Tuesday following the first Monday in March in the City Hall at 9:00 in the forenoon, and shall elect one of their number as Chairman. The Assessor shall submit to said Board the assessment roll for the current year, and during that day and such following days as the Board continues in session the Board shall review such roll, and make any additions or corrections thereto, as provided by law in reviewing and correcting assessments made by supervisors of townships, not inconsistent herewith and except as in this Charter otherwise provided. Said Board of Review shall also meet in the City Hall on the second Monday in March at 9:00 in the forenoon, of which time and place notice shall be given

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<sup>3</sup> Editor's Note: See also Ch. 17, Assessment Review.

by the City Clerk at least two weeks prior to the time of said meeting by publishing notice thereof in a newspaper having circulation in the City of Royal Oak, and shall be in session for as many days thereafter, and for at least six hours each day, prior to the first Monday in April, as may be necessary to complete the review. It shall hold at least two evening sessions of not less than two hours each for such review; any person, or persons desiring so to do may examine his, her, or their, assessment on such roll and may show cause, if any exists, why the valuation thereof should be changed; and said Board of Review shall decide the same and their decision shall be final. They shall examine on oath, any person touching the matter of his or her assessment, and the Chairman or any member of said Board may administer such oath. The Board shall keep a record of its proceedings, and all changes made on said roll, and the amount added to or deducted from the total valuation shall be entered upon such record. The decision of the majority of the members of said Board upon all questions shall govern. The roll as prepared by the City Assessor shall stand as approved and adopted, as the act of the Board of Review, except as changed as herein provided. After the said Board of Review shall have completed the revision of said roll, the Clerk shall endorse and sign a statement upon the roll to the effect that the same is the general assessment roll of the City for the year it has been prepared, as approved by the Board of Review. Such statement may be in the following form: **[Amended and adopted 11-2-1954]**

I hereby certify that the Board of Review of the City of Royal Oak have reviewed, equalized, and corrected the within assessment roll, and have deducted (or added, as the case may be) \_\_\_\_\_ dollars from (or to, as the case may be) the valuation of the real estate; and have deducted, (or added, as the case may be) \_\_\_\_\_ dollars from (or to, as the case may be) the valuation of the personal property, as made by the City Assessor, and have determined the total valuation of the real estate to be \_\_\_\_\_ dollars, and total valuation of the personal property to be \_\_\_\_\_ dollars; and the total of both real and personal property to be \_\_\_\_\_ dollars, for the year A.D. \_\_\_\_\_.

Dated:

\_\_\_\_\_  
City Clerk

**Section 5.** On or before the first day of July of each year, or as soon thereafter as possible, the City Assessor shall deliver a certified copy of his assessment roll on which the City tax has been apportioned and spread, with his warrant annexed thereto, to the City Treasurer. Said roll shall be filed in said Treasurer's office as the City Tax Roll. **[Amended and adopted 11-2-1954]**

**Section 6.** The taxes so assessed on the General City Tax Roll together with the school taxes of the School District of the City of Royal Oak shall be due and payable on the first day of July in the year assessed and may be paid during said month of July without penalty or interest: Provided, however, if the assessment roll has not been received by the City Treasurer before the first day of July, then such taxes may be paid without penalty or interest any time within 30 days from the filing of the assessment roll. Thereafter, such taxes, while unpaid, shall be deemed delinquent and shall bear interest at the rate of one-half of one percent per month, or fraction thereof, until return of such taxes to the County Treasurer. Provided, however, that when any person liable for the City and School taxes shall pay one-half thereof on or before the

31st day of July, or the 30th day after the filing of the assessment roll, of the year in which such tax is assessed, he shall have the right to do so, and shall have the further right to pay the remainder of such taxes on or before the 31st day of October of said year without payment of any further addition, penalty, or interest; further provided, when the last day specified for payment of taxes without interest or penalty; or when the last day of any month, falls on Sunday or a legal holiday or a day when the Treasurer's Office is officially closed, then such payment may be made without penalty or interest, or without additional interest, as the case may be, on the first day thereafter that the City Treasurer's Office is open for payment of taxes. The City Treasurer shall give to each taxpayer so paying his tax an appropriate receipt, showing the amount of his tax that is paid and shall make entry of such payment on the proper tax roll. In case the person paying the first one-half of his tax on or before the last day such payment may be made without interest or penalty shall fail to pay the remaining one-half tax thereof on or before the 31st day of October of the year in which said tax is assessed, or in case the 31st day of October falls on a Sunday or legal holiday or other day on which the City Hall is officially closed, on the first day thereafter that the Treasurer's Office is open for the receipt of taxes, said remaining one-half tax shall be subject to the interest and penalties provided for in this chapter. **[Amended and adopted 11-2-1954]**

**Section 7.** The City Treasurer shall give notice by publishing in an<sup>4</sup> newspaper published and circulating in said City for one week preceding July 1, which notice shall be sufficient demand for the payment of all taxes on said rolls that payment therein specified may be made to the Treasurer at any time during the month of July without penalty or interest; that if one-half of said taxes are not paid during said month of July and the remaining one-half during the month of October, said taxes or the unpaid balance thereof, shall be deemed delinquent as provided in Section 6 of this chapter, and shall bear interest at the rate of one-half of one per cent per month, or fraction thereof, until the first of March following: Provided, however, that the failure to give the notice specified in this section for the payment of such taxes shall not invalidate the said taxes nor relieve the persons or property assessed from the penalty herein specified; Further, provided, if the certified assessment roll has not been received by the Treasurer by July 1, or if for other reason the Treasurer is unable to receive payment of taxes on that date, the Treasurer shall give notice of the first date the Treasurer's Office will be open for the payment of taxes and the interest above specified shall not begin until 30 days from such date. **[Amended and adopted 11-2-1954]**

**Section 8.** The taxes so assessed and the school taxes shall become at once a debt to the City from the persons to whom they are assessed, and the amounts assessed on any real property or interest therein shall, on the first day of July in the year assessed become a lien on such real property and the lien for such amounts and for all interest charges and penalties thereon shall continue until payment thereof. All personal taxes shall also be a lien on all personal property of the persons assessed for the same from and after the first day of July in the year assessed and shall take precedence over any sale, assignment, or chattel mortgage, levy, or other lien on said personal property executed or made after said first day of July, except for such property as actually sold in the regular course of trade at wholesale or retail. **[Amended and adopted 6-16-1930]**

**Section 9.** The City Assessor shall keep the original assessment roll in his office until time for presentation thereof to the Board of Supervisors of Oakland County for equalization and shall

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<sup>4</sup> Editor's Note: So in original.

then present it to said Board, which roll, after equalization by said Board, shall be the assessment roll of the City for all assessment purposes whatsoever except the levying of taxes to be collected in the month of July, as herein provided. **[Amended and adopted 11-2-1954]**

**Section 10.** On the first day of November, the City Assessor shall apportion and spread upon the tax rolls all State and County taxes, certified to him by the Board of Supervisors, or otherwise, and such other taxes as are legally required to be spread on the rolls. **[Amended and adopted 6-16-1930]**

**Section 11.** Within 30 days after the first day of November, the City Assessor shall deliver a certified copy of the assessment roll to the City Treasurer to be filed in his office, to which roll shall be annexed a warrant signed by the City Assessor and directed to the Treasurer, and be in all other respects as near as may be as warrants of township treasurers for the collection of state, county, and township taxes.

**Section 12.** Upon receiving said tax roll as herein provided, the Treasurer shall give notice to the taxpayers of the City that such rolls have been delivered to him, and that the taxes therein levied can be paid to him at his office at any time from the 10th day of December to and including the 10th day of January next ensuing without any charge for collection, but that four-percent collection fee will be charged and collected upon all taxes remaining unpaid after the 10th day of January. Said notice shall be given by publishing the same six successive times in a newspaper published in said City. But any defect in said notice, or any omission to comply with the provisions of this section shall not invalidate said tax roll or any measure, thereafter to be taken, to enforce collection of the taxes thereon.

**Section 13.** For the collection of all taxes remaining unpaid on the general tax roll after the 31st day of July and the 10th day of January of each year, except as to such taxpayers as pay one-half of the City and School taxes in July and the remaining one-half in October, and as to such persons paying the first one-half in July but failing to pay the second one-half in October, after the 31st day of October on the unpaid second one-half of such taxes the Treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships and shall for that purpose have all the power and authority conferred by law upon township treasurers for such purposes, and it is hereby made mandatory upon the Treasurer to exhaust all legal remedies for the collection of unpaid personal taxes before the return thereof. **[Amended and adopted 4-30-1934]**

**Section 14.** The Treasurer shall, within 10 days after the expiration of the time limited in his warrant, or in case of extension of time for collecting such taxes within 10 days after such has expired, pay over to the Treasurer of the Board of Education the amount which by law is payable to him, and on the first day of March or within 10 days thereafter shall pay to the County Treasurer the balance which by law is payable to him and shall make his returns to the County Treasurer of Oakland County, Michigan, as hereinafter specified: On the 15th day of August, 1938, or within 10 days thereafter, all unpaid delinquent 1936 City and School taxes with the accrued fees and interest thereon; on the 15th day of September 1938, or within 10 days thereafter, all unpaid delinquent 1937 City and School taxes with the accrued fees and interest thereon; on the first day of March 1939, or within 10 days thereafter, all unpaid City and School taxes with the accrued interest thereon, shall be returned with the County and other taxes. Annually thereafter all such taxes shall be returned in the same manner. After their return, City and School taxes shall be collected and handled as other taxes and shall be

governed in all things by the provisions of the general tax laws of the State, except as otherwise provided in this Charter. **[Amended and adopted 7-8-1938]**

**Section 15.** Any person owning an undivided share or other part or parcel of real property, assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made, has to the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment and the receipt given and the record of the receiving officers shall show such description and by whom paid; and in case of the sale of the remaining part, or share, for non-payment of taxes, he may purchase the same in like manner as any disinterested person could. These provisions shall include all taxes that may be assessed against real property, including special assessments.

**Section 16.** The fees and penalties for the collection of all taxes provided for by this Charter, or the General Laws of the State, shall belong to the City and shall be paid by said Treasurer into the City Treasury.

## **CHAPTER ELEVEN**

### **Special Assessments**

**Section 1.** The Commission shall have power to provide for the payment of all or any part of the cost of construction, re-construction, repair, operation, or maintenance of any structure or work in the nature of public improvement, by levying and collecting special assessments upon property specially benefitted. Any special assessment levied pursuant to the provisions of this chapter may be made payable in yearly installments for a period not exceeding 20 years. **[Amended 2-16-1959]**

**Section 1A.** The Commission shall have the power to levy and collect special assessments upon property specially benefitted by existing public improvements originally financed by revenue bonds, for the purpose of providing for the retirement of any such outstanding revenue bonds in whole or in part. Any such special assessment may include the amount of any premium to be paid upon the calling of the bonds to be retired. **[Adopted 2-16-1959]**

**Section 2.** The Commission in order to ascertain whether or not a reasonable number of property owners to be assessed, desire a public improvement to be made under the provisions of this Chapter, may request that a petition therefore<sup>5</sup> be presented to it, or the property owners to be assessed, may of their own volition file such a petition, but in either of such cases the petition so filed shall be considered as advisory only and shall not be jurisdictional. **[Amended 11-7-1950]**

**Section 3.** When the Commission shall determine to make any public improvement, or repairs, alterations or additions to any public improvement, and defray the whole or any part of the cost and expenses thereof by special assessment, they shall so declare by resolution stating the nature of the improvement and what portion of the cost and expenses thereof shall be paid by special assessment, and what portion, if any, shall be borne by the City, and shall designate the

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<sup>5</sup> Editor's Note: So in original.

district or lands and premises upon which the special assessments shall be levied. [Amended 9-12-1950]

**Section 4.** Before ordering any public improvements or repairs, any part of the expenses of which is to be defrayed by special assessment, the Commission shall cause estimates of the expenses thereof, to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the Clerk for public examination; and they shall give notice thereof and of the proposed improvements, and of the district to be assessed, and of the time and place when the Commission will meet and consider any objections thereto, by publication once at least five days prior to such meeting in a newspaper published and circulating in the City.

**Section 5.** When any special assessment is to be made pro rata upon the lots and premises in any special assessment district, according to frontage or benefits, the Commission shall, by resolution, direct the same to be made by the City Assessor and shall state therein the amount to be assessed and whether according to frontage or benefit; and describe or designate an assessment district comprising the lands to be assessed.

**Section 6.** Upon receiving such orders and direction, the City Assessor shall make out an assessment roll, entering and describing therein all the lots, premises, and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessment therein; and shall levy thereon and against such property the amount to be assessed, in the manner directed by the Commission and provisions of this Charter applicable to the assessment. In all cases where the ownership of any description is unknown to the City Assessor, he shall, in lieu of the name of the owner, insert the word "Unknown" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, or parcel of land or premises, or if the same shall be assessed without the name of the owner, or the name of any person other than the owner, such assessment shall not for any cause be vitiated, but shall, in all respects, be as valid upon and against such lot, parcel of land, or premises, as though assessed in the name of the proper owner, and when the assessment shall have been confirmed, it shall be a lien on such lot, parcel of land, or premises, and collected as in this Charter provided.

**Section 7.** If the assessment is required to be according to frontage, the City Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied, as the length or front of such premises abutting upon the improvement bears to the whole frontage of all lots to be assessed, unless on account of the 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, then he shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When he shall have completed the assessment roll, he shall report the same to the Commission; such report shall be signed by the City Assessor, and may be in the form of a certificate, endorsed on the assessment roll, as follows:

STATE OF MICHIGAN, CITY OF ROYAL OAK -- SS.

TO THE COMMISSION OF THE CITY OF ROYAL OAK:

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the Commission of said City, adopted (give date) for the purpose of paying that part of the cost which the Commission decided should be paid and borne by special assessment for the (insert here object of the assessment); that in making such assessment, I have, as near as may be, according to my best judgment conformed in all things to the directions contained in the resolution of the Commission hereinbefore referred to, and the Charter of the City relating to such assessment:

Dated \_\_\_\_\_

\_\_\_\_\_  
City Assessor

**Section 8.** When any expense shall be incurred by the City upon or in respect to any separate or single lot, parcel of land or premises, which, by the provisions of this Charter, the Commission is authorized to charge and collect as a special assessment against the same, and not being that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor, material, or services for which such expense was incurred, verified by the Manager, 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, if known, chargeable therewith, shall be reported to the Commission in such manner as they shall prescribe. The provisions of the preceding section of this chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvements, shall not apply to assessments to cover the expenses incurred, in respect to that class of improvements contemplated in this section.

**Section 9.** The Commission shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and as often as the Commission shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith, respectively, to be reported by the Clerk to the City Assessor for assessment.

**Section 10.** Upon receiving the report mentioned in the preceding section, the City Assessor shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to him and against the persons chargeable therewith, if known, the whole amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed he shall report the assessment to the Commission, and all the several assessments shall be kept separately.

**Section 11.** When any special assessment roll shall be reported by the City Assessor to the Commission, as in this Charter directed, the same shall be filed in the office of the Clerk. Before confirming the assessment roll the Commission shall set a date for the review of the same and shall cause a notice to be published once not less than five days prior to the date set for such review, in a newspaper of general circulation in the City to be designated by the Commission, which notice shall set forth the fact of the filing of the assessment roll with the City Clerk, the time when the Commission and City Assessor will meet to review the assessment roll, and a description of the lots, premises, and parcels of land assessed. Any

person objecting to the assessment against lands owned by him may file his objections thereto in writing with the Clerk. [Amended 11-7-1950]

**Section 12.** At the time and place appointed for the purpose as aforesaid the Commission and City Assessor shall meet and there, or at some adjourned meeting, review the assessment roll, and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the Commission may correct said roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected or they may refer the assessment back to the City Assessor for revision; or annul it and direct a new assessment, in which case the same proceedings shall be held as in respect to the previous assessment. When a special assessment be confirmed, the Clerk shall make an endorsement upon the roll showing the date of the confirmation.

**Section 13.** When any special assessment roll shall be confirmed by the Commission it shall be final and conclusive.

**Section 14.** All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the respective owners of the several parcels as assessed until paid.

**Section 15.** Upon the confirmation of any special assessment, the amount thereof may be divided into not more than 20 installments, one of which shall be collected each year, at such times as the Commission shall determine, with annual interest at the rate not exceeding 6% per annum, provided no interest shall be charged until 30 days after confirmation; if the last day of any month, falls on Sunday or a legal holiday, or a day when the Treasurer's Office is officially closed, then such payment may be made without interest, or without additional interest, as the case may be, on the next secular day. The whole assessment may be paid to the City Treasurer at any time after confirmation in full with accrued interest thereon. [Amended 2-16-1959]

**Section 16.** All special assessments, except such installments thereof as the Commission shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

**Section 17.** In all cases of special assessments of any kind against any property where such assessments have failed to be valid in whole or in part, the Commission shall have and are hereby authorized to cause to be reassessed such special taxes or assessments, and to enforce their collection. It is further provided that whenever for any cause, mistake, or inadvertence, the amount assessed in any assessment district shall not be sufficient to pay the cost of the improvement for which the assessments were made, that it shall be lawful and the Commission is hereby directed and authorized to cause a reassessment to be made upon all the property in said local assessment district to pay for such improvements and to continue requiring such reassessments until a valid and sufficient assessment shall have been made. It is further provided that if the special assessment collected in any special improvement district shall exceed the full cost of such improvement, including the estimated cost of engineering and all other costs required in connection with the said improvement, by more than 5% of such total cost, the amount of such excess shall be credited on the assessment roll to the respective properties assessed on said roll, or in case of any assessment which has been paid in full, the amount of such excess shall be refunded to the person paying such assessment. [Amended and adopted 11-2-1954]

**Section 18.** No judgement or decree, nor any act of the 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.

**Section 19.** Whenever any special assessment shall be confirmed and be payable, the Commission may direct the Clerk to report to the City Assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct said City Assessor to levy the several sums so assessed respectively. The City Assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are special assessed, and against the persons chargeable therewith, as a tax, in the general tax roll next thereafter to be made, in a column for special assessments, and thereupon the amount so levied in said tax roll shall be enforced and collected with the other taxes in the 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.

**Section 20.** Whenever any special assessment roll shall be confirmed, the Commission instead of requiring the assessments therein to be reported to the City Assessor, as provided in the preceding section, may direct the said assessments to be collected directly from the special assessment roll together with any interest which may become due thereon; and thereupon the Clerk shall attach his warrant to said special assessment roll, commanding the Treasurer to collect the amount of money assessed against each lot, premises, or parcel of land described in said roll together with any interest which may become due thereon, at such times and in such manner as prescribed by the City Charter and by resolution of the Commission. Said warrant shall further require the City Treasurer on the first day of April following the date when such assessments, or any installment thereof, have become due, to submit to the Commission a sworn statement setting forth a description of the lots, premises, and parcels of land as to which such delinquency exists, and the amounts of such delinquency, including accrued interest computed to April 1st of such year. **[Amended and adopted 11-7-1950]**

**Section 21.** Upon receiving said special assessment roll and warrant the Treasurer shall proceed to collect the amount assessed therein. 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 State of Michigan, belonging to such person and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notice in three 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, the costs and expenses of seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

**Section 22.** The Treasurer shall report delinquent assessments or installments thereof, as required in the warrant of the Clerk.

**Section 23.** In case the Treasurer, pursuant to the provisions of the warrant of the City Clerk, shall report as delinquent any assessment or installment thereof, the Commission shall certify the same to the City Assessor, who shall reassess the same on the next annual City tax roll, in a column headed "Special Assessments," with interest to April 1st of such year, and an additional

penalty of 5% of such total amount, and such total amount when so reassessed upon said tax roll, shall be collected in all respects as provided for the collection of City taxes. Unpaid special assessments reassessed upon the City tax roll shall be returned to the County Treasurer for collection at the same time and in the same manner as City taxes. [Amended and adopted 11-7-1950]

**Section 24.** At any time after a special assessment has become payable, the same may be collected by suit, in the name of the City, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order of resolution confirming the same shall be prime<sup>6</sup> facie evidence of the regularity of all the proceedings in making the assessment, of the whole amount due, and of the right of the City to recover judgement therefor.

**Section 25.** If, in any such action, it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expenses have been incurred by the City, which is a proper charge against the defendant, or the lot or premises in question, render judgement for the amount properly chargeable against such defendant, or upon such lots or premises.

**Section 26.** If the owner or occupant of any lot or premises shall fail to remove the snow, ice, and filth from the sidewalk upon which such property abuts, or to remove and keep the same from obstruction, encroachments, encumbrances, or other nuisances, or fail to perform any other duty required by the City in respect to such sidewalks or the premises of any person within such time and in such manner as the City shall require, the City may cause the same to be done, and the expenses, or such part thereof as the City shall have determined, together with a penalty of 10% may be charged and collected as a special assessment against such property as in this Charter provided.

**Section 27.** Revenues and moneys raised by taxation in every special assessment district in the City, shall be credited to separate special assessment funds; and money so raised shall be used solely for the purpose specified. Provided, if there be a surplus after paying for the specified improvement such surplus shall be refunded pro rata as follows: By refund where the tax has been paid in full, and by credit on the assessment roll where the tax has not been fully paid.

**Section 28.** When expenses for any improvement shall be assessed in a special assessment district and there shall be lands belonging to the City school buildings, or other public buildings or public grounds not taxable fronting upon such improvement, such part of the expense of such improvement as in the opinion of the Commission would be justly apportionable to such public grounds, buildings, and City property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general City funds, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to the frontage would be unjust and disproportionate to the assessment upon other lots, the

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<sup>6</sup> Editor's Note: So in original.

Commission may assess such lots for such number of feet frontage as in its opinion will be just, or the City may issue bonds or notes therefor as they may determine.

**Section 29.** Any resolution, notice, or other proceeding under this chapter may relate to one or more improvements, district, or assessment rolls as the case may be. Bonds in anticipation of the collection of special assessments spread upon more than one roll may be included in one issue or series of bonds: provided, that the same shall not obligate one special assessment district to answer for the default of another. **[Amended and adopted 11-7-1950]**

## **CHAPTER TWELVE**

### **Streets and Sidewalks, Sewers, Drains, and Water Supply**

#### **STREETS AND SIDEWALKS**

**Section 1.** The Commission shall have control of and maintain all streets, highways, and alleys in the City and may improve the same by grading, graveling, curbing, paving, repaving, constructing sidewalks or otherwise, and shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, or alley in the City, whenever they shall deem the same a public improvement. The expense of such improvement may be paid by special assessment upon the property adjacent to or benefitted by such improvement, in the manner in this Charter provided for levying and collecting special assessments; or in the discretion of the Commission, a portion of such costs and expenses may be paid by special assessment as aforesaid, and the balance by the City.

**Section 2.** When the Commission shall deem it advisable to vacate, discontinue, or abolish any street, alley, or public ground, or any part thereof, they shall, by resolution, so declare and in the same resolution shall appoint a time, not less than four weeks thereafter, when they shall meet and hear objections thereto. Notice of such meeting, with a copy of said resolution, shall be published once, not less than two weeks before the time appointed for such meeting, in a newspaper published and circulating in the City.

**Section 3.** The Commission shall have authority to determine and establish the grade of all streets, avenues, alleys, sidewalks, curbs, and public grounds within the City, and may change or alter the grade of any street, sidewalk, curb, alley, or public ground, or any part thereof, whenever in their opinion the public convenience will be promoted thereby, or whenever in their opinion they shall deem the same a public necessity or a public improvement.

**Section 4.** Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom to be ascertained by a jury as provided by the General Laws of the State relating to the appropriation of private property for public use, or said damages may be ascertained and agreed upon by and between the City and the owner or occupant of such premises. Whenever such damage shall be ascertained as herein provided, such damages or such part thereof as the Commission shall deem equitable and just, shall be paid by the City, and the Commission may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefitted by reason of the change of such grade; and whenever the Commission shall determine to assess such damages or any part thereof, upon the property benefitted, it shall

determine and define a district in the City which in its judgement is benefitted by the improvement out of which such damages arise, and shall cause the same to be assessed upon said district, which said assessment shall be upon the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit of each lot, parcel, or subdivision is deemed to acquire by the improvement out of which such damages arise. The assessment shall be made, the amount levied and collected in the same manner as other assessments in a district deemed to be benefitted, as provided for in this Charter, and all of the provisions of this Charter relative to special assessments and the collection thereof shall apply thereto. Such damages, when collected as aforesaid or when determined upon by the City shall be paid to the person entitled thereto.

**Section 5.** Such part of the expense of improving or repairing any street, lane, or alley, by grading, graveling, paving, repaving, curbing, constructing sidewalks or otherwise improving or repairing the same, as the Commission shall determine, and keeping the same free from dust and nuisance, may be paid by the City, or the whole or such part of the expense of such improvement, as the Commission shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be, or constituted of lands fronting upon said improvement, and such other lands, as in the opinion of the Commission, may be benefitted by the improvement.

**Section 6.** The City shall build or cause to be built, maintain, and control all sidewalks and crosswalks in the public streets and alleys in the City, and may prescribe the grade thereof, and change the same when deemed necessary, as herein provided.

#### **SEWERS AND DRAINS**

**Section 7.** The Commission may establish, construct, and maintain a sewerage system, sewerage disposal system, sewers, and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper.

**Section 8.** Special assessments for the construction of sewers and drains shall be made in the manner provided in this Charter for making special assessments.

**Section 9.** The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the Commission shall prescribe.

**Section 10.** Such part of the expense of providing ditches and drains and improving water courses as the Commission may determine, may be defrayed by a special assessment upon the lands and premises benefitted thereby.

#### **WATER SUPPLY**

**Section 11.** The City Commission shall cause to be maintained, an adequate water works system for the furnishing of sufficient water supply and make all such ordinances, rules, and regulations as are necessary for a safe, economical, and efficient management of the same.

**Section 12.** The Commission shall also provide for the improvement and extension of the water works and water system wherever and whenever necessary for the public health and welfare, and for adequate fire protection.

**Section 13.** The Commission may, by ordinance or resolution, establish a uniform schedule of rates, make such rules and regulations for the use of water and the payment therefor as may be deemed expedient. Unpaid charges for the use of water upon any property within the City shall be a lien upon said property.

**Section 14.** No person, firm, corporation, or association shall be allowed free use of water, nor shall there be discrimination among water users of like classes, and rebates shall never be allowed, except as an inducement for prompt payment of water rates.

**Section 15.** The Commission may, by ordinance or resolution, provide for furnishing water to consumers outside of the City limits, provided, that the quantity of water so furnished shall not exceed one-quarter of the total consumption inside the corporate limits.

### **SEWAGE DISPOSAL**

**Section 16.** The Commission, upon a three-fifths vote of the members elect shall have power to contract from time to time with any city, county, metropolitan district, or other political subdivision, or any agency of the foregoing, for the disposal of sanitary and/or storm water sewage from the City, for a period not to exceed 40 years; provided that before authorizing the execution of any such contract, the Commission shall cause a copy of the same to be deposited with the City Clerk and a notice of such deposit to be published in a newspaper of general circulation in the City at least once not less than 10 days prior to such authorization. The contract as so deposited may be amended before execution without further notice. No such contract after it has become effective shall be declared invalid for want of proper notice. The amounts to be paid from time to time by the City under any such contract shall not constitute an indebtedness of the City within the meaning of any Charter debt limitation. The Commission shall impose rates, charges, and/or assessments upon the users and beneficiaries of sewage disposal services and facilities sufficient to promptly meet the obligations under such contract but in event the receipts therefrom are not sufficient to pay all sums when due under the contract, then the City shall be responsible for any deficit. Such rates, charges, and/or assessments shall be made and the payment thereof enforced by any method permissible by law. The provisions of this section shall not be limited by those of any other section or sections of this Charter. If there be included in this section any provision which is not permissible under the state law at the time of the adoption hereof and which in the future shall become permissible because of subsequent state legislation, then such provision shall automatically become operative without again being readopted. All acts and proceedings within the scope of this section heretofore done or taken, are hereby ratified and confirmed. **[Amended and adopted 11-3-1942]**

## **CHAPTER THIRTEEN**

### **Condemnation and Appropriation of Property**

**Section 1.** Private property, whether within or without the City limits, may be purchased, condemned, or appropriated for public use for the purpose of opening, widening, altering, or extending streets, alleys, and avenues; for the construction of bridges, viaducts, grade

separations, public buildings, parks, parkways, markets, and market places, sewers, drains, and water courses, public and detention hospitals, public cemeteries, sewage disposal; water supply, water main, water works, and for the protection thereof; or any necessary lawful public use not specifically enumerated herein.

**Section 2.** If it shall become necessary to condemn or appropriate private property for the public use or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the City in the manner and with like effect as provided by the General Laws of this State, relating to the taking of private property for public use.

**Section 3.** Whenever the Commission shall have decided a public improvement to be necessary, and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or benefit of the municipality, they shall by resolution, direct the City Attorney to institute the necessary proceedings in behalf of the municipality, before the proper court, to carry out the object of the resolution in regard to taking private property by the City for such public use.

## **CHAPTER FOURTEEN**

### **Miscellaneous**

**Section 1.** The Commission may, from time to time, establish and divide election precincts within the City in accordance with the General Laws of the State, or in accordance with any provisions of this Charter applicable thereto, provided, however, that when such precincts are established within the City, they shall be numbered by the Commission.

**Section 2.** Any public work or improvement costing more than an amount authorized by the City Commission by resolution adopted at the same time the annual budget is approved, and executed by contract, shall be awarded to a responsible bidder in competition. Bids for such contracts shall be opened not less than three days after advertisement therefore<sup>7</sup> in some newspaper published and circulating in the City, but the Commission shall have power to reject any or all bids and to advertise again, and all advertisements shall contain reservation of this right. Provided, that where the Commission is not satisfied with the bids obtained, it may authorize the doing of such work under the direction of the Manager.

**Section 3.** Every contract shall reserve to the City the right, when it shall become satisfied that the work provided for in any contract will not be completed within the time limited, to furnish additional labor and material if necessary, and render such other assistance as it may deem advisable, for the completion of such contract, at the expense of the contractor, and retained by the City out of the contract price or recovered by legal proceedings.

**Section 4.** Every contract to which the City is a party shall reserve to the City the right to determine finally all questions as to the proper performance of such contract, or any unfinished portion thereof, and in case of the improper, dilatory, or imperfect performance thereof, to suspend the work any time and to order the partial or the entire reconstruction of the same; and whenever because of unreasonable delay in the work or for other just cause it shall declare such

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<sup>7</sup> Editor's Note: So in original.

contract forfeited, it may complete or re-let the work covered by such contract or any unfinished portion thereof. Power is hereby given the City to determine all such questions arising under any such contract, according to the true intent and meaning thereof.

**Section 5.** When it becomes necessary in the prosecution of any work or improvement under contract to make minor alterations or modifications of such contracts or the plans and specifications thereof, such alterations, changes, or modifications shall be made only on the written order of the Manager.

**Section 6.** No such order shall be made until the price to be paid for the work or material or both, and the credits, if any, to be allowed by the City under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and by the Manager.

**Section 7.** Upon the completion of any public work or improvement, wherein a bond for construction or maintenance has been furnished, the Manager shall, before the payment of the final estimate or balance due thereon, file with the Clerk and the City Attorney a written report, certifying whether such work or improvement has, in his judgement, been done in all respects in accordance with the construction specifications. Provided such report shall not waive any right of the City to later complain of noncompliance with such construction specifications.

**Section 8.** It shall be the duty of the Manager, annually, during the life of all maintenance bonds given to the City, upon public works or improvements, to report in writing to the Commission the defects and costs of repair and maintenance of such work or improvements.

**Section 9.** The City Commission may require any contractor to furnish a surety bond or bonds for the faithful performance of any contract with the City up to and including \$3,000, but the City shall require a surety bond or bonds, to be approved by them, for the faithful performance of any contract with the City, in excess of the sum above specified.

**Section 10.** It shall be the duty of the Commission promptly to institute appropriate proceedings, on behalf of the City, whenever there shall have been default in complying with such construction or maintenance specifications.

**Section 11.** No public improvement, costing more than \$1,000 shall be contracted for or commenced until drawings, profiles, and estimates for same shall have been submitted to the Commission and approved by it; and the same or a copy thereof, shall thereafter remain on file in the office of the Clerk, subject to inspection by the public.

**Section 12.** No member of the Commission, the Manager, or any other officer or employee of the City, shall be personally interested in any contract with or for the City, nor in the expenditures of any money on the part of the City, and every such contract shall be void.

**Section 13.** The Commission shall have the power to hold hearings and to compel, by subpoena, the attendance of witnesses and the production of books, papers, and data in any proceedings or hearing pending before it. The form of the subpoena shall be prepared by the City Attorney. The Commission shall provide, by ordinance, for the punishment of any person who, having been personally served with subpoena, willfully disobeys same. Such subpoena may be served by any person of lawful age. Each witness shall be entitled to receive the same

fees for attendance as is provided by law for the payment of witness fees in the Circuit Courts of this State.

**Section 14.** The said Commission may by resolution or ordinance prescribe the method to more effectively carry out the foregoing provisions.

**Section 15.** The City Commission may by ordinance provide for pensioning persons injured by violence, accident, or exposure while employed by the City in the Fire or Police Departments, when such injuries arise out of or in the course of such employment; also for the dependents of the person killed while so employed.

**Section 16.** The Commission shall have the power to prescribe by ordinance, limits or districts to be known as "Fire Limits" and to prescribe the construction of buildings therein, both as to kind of material and type of construction; to prohibit within such limits or districts, as it shall deem expedient, the location of shops, factories, the prosecution of any trade or business, the keeping of lumber yards, the storing of lumber or other easily inflammable and explosive material in any place, when in the opinion of the Commission the danger from fire is thereby increased, and may pass and enforce such other ordinances and regulations as it may deem necessary for the prevention and suppression of fires.

**Section 17.** The City shall not be liable for unliquidated damages for personal or other injuries, unless the person suffering the injury or sustaining the damage, or someone in his behalf, shall serve a notice in writing upon the City, within 60 days after such injury shall have occurred, which notice shall specify the location and the nature of the defect, the injury sustained, and the names of the witnesses, as to the fact of the happening of the accident complained of, which are known at that time by said claimant. The failure to so notify the City within the time and in the manner specified herein shall exonerate, excuse, and exempt the City from any and all liability on account of any such injury.

**Section 18.** Service of all process and notice of claims for unliquidated damages against the City shall be made on the Mayor, Manager, or Clerk.

**Section 19.** Subject to the limitation of this Charter and of the General Laws, the Commission shall have the power to receive devices, bequests, gifts, and donations of all kinds of property within or without the City, in fee simple or in trust, for charitable or other public purposes and to do all things and acts necessary to carry out the purposes of such bequest, gifts, and donations, with power to sell, lease, or otherwise manage or dispose of the same, in accordance with the terms of the bequest or donation.

**Section 20.** No member of the Commission, the Manager, or other officer or employee of the City shall knowingly accept any gift, frank, free ticket, pass, reduced price, or reduced rate of service from any person, firm, or corporation operating a public utility within said City; or from any person known to him to have or to be endeavoring to secure a contract with the City. The provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is provided for by ordinance or otherwise. No member of the Commission shall be eligible to an appointive office within its gift, during the period for which he was elected.

**Section 21.** All officers and employees shall be appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith, or party affiliations.

**Section 22.** The Commission may by ordinance limit the number of places where intoxicating liquors may be sold and for which licenses may be issued; the terms and conditions upon which such licenses may be granted; restrict the territory within which said places where intoxicating liquors may be sold, shall be located; prescribe rules and regulations for the conducting of said places where intoxicating liquors may be sold, and the conditions upon which said license may be annulled, revoked, or cancelled, and may also, by resolution, prescribe the location of said places where intoxicating liquors may be sold, within the proper territory. All subject to the Constitution and General Laws of the State.

**Section 23.** When the Commission shall deem it for the public interest, grounds and buildings for necessary public uses, may be purchased, erected, and maintained, beyond the corporate limits of the City, and in such cases the Commission shall have authority to pass and enforce, beyond the City limits, and over such lands, buildings, and property, in the same manner, and to the same extent as if they were situated within the City, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in any building maintained upon such property.

**Section 24.** Where the following specified words are used herein they shall each be construed to mean as follows:

- 1) "State" shall mean "State of Michigan."
- 2) "City" shall mean "City of Royal Oak."
- 3) "Commission" shall mean "City Commission."
- 4) "Manager" shall mean "City Manager."
- 5) "Clerk" shall mean "City Clerk," unless from the context the contrary shall plainly appear.
- 6) "City Attorney" shall mean "Director of the Department of Law."
- 7) "Treasurer" shall mean "City Treasurer."

**Section 25.** Words imparting the singular number, only, may extend to and embrace the plural number, and words imparting the plural may be applied and limited to the singular number; words imparting the masculine gender, only, may extend and be applied to females as well as males.

**Section 26.** Words purporting to give joint authority to two or more public officers or other persons either as a Board or otherwise shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

**Section 27.** The word “person” may extend and be applied to bodies, politic and corporate as well as individuals. The words “written” and “in writing” shall be construed to include printing, engraving, typewriting, and lithographing, except that this rule shall not apply to provisions requiring written signatures, unless it be otherwise expressly herein provided.

**Section 28.** Eastern standard time is hereby adopted for the City of Royal Oak.

**Section 29.** Should any portion of this Charter be declared void, illegal, or unconstitutional, such finding shall not invalidate the remainder of the Charter.

**CHAPTER FIFTEEN**  
**Civil Service<sup>8</sup>**  
**[Adopted 9-15-1936]**

**Section 1.** The Commission of the City of Royal Oak shall provide by ordinance for a merit system for all positions in the City’s service except as hereinafter qualified or exempted. Such ordinance shall provide a professional and impartial approach to municipal personnel problems based solely upon the fitness, training, and experience of the individual with no discriminations on account of political or religious opinions. It is the intent of this Charter amendment to establish a merit system program as an integral part of the administrative service, to the end that the handling of the personnel activities will be done in a manner equitable to the employee, satisfying for the administrative officials to use, and by increased efficiency and improved administration, economical to the citizens.

**Section 2.** The merit system ordinance shall:

- (a) Constitute a Civil Service Board to administer the program and shall delegate to such Board appropriate power required for the effective administration of the merit system. The Civil Service Board shall consist of five electors of the City to be appointed by the City Commission, two to serve for one year, two for two years, and one for three years, to take office on January 1, 1952, or as soon thereafter as appointed and qualified. Thereafter, members of the Civil Service Board shall be appointed to serve for three years and until their successors have been appointed and have qualified. Members of the Board shall serve without compensation and shall not hold any other public City office or serve on any City political committee or take active part in the management of any City political campaign. The Commission may remove any member of the Board upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defense. Any vacancy shall be filled by the Commission for the unexpired term. The City Clerk shall act as Secretary for the Board. **[Amended and adopted 11-6-1951]**
- (b) Define the scope of the program except as herein limited and qualified and provide for the establishment of professional standards and methods in obtaining the following objectives:

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<sup>8</sup> Editor's Note: See also Ch. 33, Civil Service Merit System.

- (1) A duties classification plan based on a study of the duties and responsibilities of all positions in the City's service.
  - (2) A compensation plan for positions in the City's service in order that there may be equal pay for equal work, and in order that proper pay differentials may be established between positions which differ materially in duties performed and responsibilities exercised.
  - (3) Selection, certification, and appointment of qualified candidates seeking employment in or promotion to all positions within the City's service except those positions hereinafter exempted.
  - (4) The separation of employees from the City's service when for the good thereof there is need for such separation, except as such authority is herein limited and qualified.
- (c) Specifically exempt from the jurisdiction of the Civil Service Board, the appointment, discharge, transfer, or promotion of all officials which by other provisions of this Charter are appointed by the City Commission and one deputy or other employee or assistant to each of said officials; the acting heads of the Police and Fire Departments and any other departments created by the City Commission; and all temporary appointments or employments.
- (d) Provide that no employee within the civil service shall be demoted or discharged except for cause and provide a means whereby such employee shall be entitled to a hearing and have the right to appeal to the Civil Service Board. Said Board shall have the power to subpoena witnesses for any such hearing and to provide for the punishment of any person who having been personally served with a subpoena refuses or neglects to comply with the same. Nothing herein shall prevent the discharge of any employee, when the position he holds has been abolished, or when a reduction of personnel is made necessary by lack of funds.
- (e) Delegate to the authority or authorities constituted to administer the merit system the right to formulate, adopt, and administer operating rules and regulations governing the specific administrative matters affecting the operation of the personnel program.
- (f) Define the status of present employees and the basis whereby they are to be inducted into the regular civil service.
- (g) Provide a means whereby the City Commission may enter into contractual arrangement for securing technical, professional services of persons qualified in the personnel field to assist the Civil Service Board in carrying out the provisions of said ordinance.

**CHAPTER SIXTEEN**  
**City of Royal Oak Retirement System<sup>9</sup>**  
**[Adopted 9-14-1948]**

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<sup>9</sup> Editor's Note: See also Ch. 146, Retirement.

**Section 1. RETIREMENT SYSTEM:** The Commission of the City of Royal Oak shall, by ordinance, establish and maintain a retirement system in lieu of the present retirement system established by Ordinance No. 426, which new retirement system shall provide for the retirement of City officers and employees. Said new system shall take effect and shall supersede the present retirement system as of June 1, 1949. The objective of such system shall be the creation of a sound and efficient means of providing retirement annuities for the employees to the end that economy and efficiency in public service may be effected and an orderly method of retiring be furnished without hardship and prejudice to employees who have become aged or incapacitated. The terms and conditions of the ordinance creating such system shall be within the discretion of the Commission, except as herein provided.

**Section 2. BOARD:** Said system shall be administered by a Board of trustees consisting of two members of the City Commission, the City Manager, one covered member of the retirement system elected by the covered members of the system, and one non-covered member of the retirement system elected by the non-covered members. The election of member trustees shall be in accordance with such rules and regulations as the Board shall from time to time adopt. The Board shall authorize the granting of all benefits provided by the retirement system; determine the amount of service to be credited each member; appoint an actuary to perform the actuarial calculations required for the operation of the retirement system on an actuarial basis; employ such professional and clerical help and make such rules and regulations as may be necessary to operate the retirement system on a sound economical basis in the best interests of the City and the members; hold meetings regularly, at least one in each calendar quarter, keep records of its proceedings; and perform such other duties as may be required for the proper administration of the retirement system. **[Amended and adopted 11-6-1973]**

**Section 3. MEMBERSHIP:**

- (a) All officers and employees of the City, including those on leave of absence to serve in the armed forces of the United States, shall be members of the retirement system: Provided, that the membership of the retirement system shall not include (1) persons whose services are compensated on a fee basis, (2) persons who are employed on a part time basis as determined in the ordinance, (3) the medical director, and (4) the actuary.
- (b) A “covered member” shall mean any member who is covered under the Federal Social Security Old-Age and Survivors’ Insurance Program on account of his City employment. A “non-covered member” shall mean any member who is not covered under the said Old-Age and Survivors’ Insurance Program on account of his City employment.
- (c) In any case of doubt as to an employee’s membership status, the Board shall decide the issue. **[Amended and adopted 11-5-1957]**

**Section 4. CITY CONTRIBUTIONS:** The financial objective of this section is to require City contributions to the retirement system each year which together with the contributions made by members shall be sufficient to: (i) fully fund the cost of benefits likely to be paid on account of service rendered by members during the year, and (ii) finance unfunded costs of benefits likely to be paid on account of service rendered by members prior to the current year over a period of not more than 40 years. Such contributions shall be computed as level percents of member payroll in accordance with generally accepted actuarial principals on the basis of such rates of

interest and tables of experience as the Board shall from time to time adopt. The Board shall annually certify to the City Commission the contributions determined according to this section, and the Commission shall appropriate and pay to the retirement system during the next fiscal year the contributions so certified. **[Amended and adopted 11-5-1957; 11-6-1973]**

**Section 5. BENEFIT LIMITATION: [Amended and adopted 11-6-1973]**

- (a) Except as provided in paragraph (c) of this section, in no case shall the annualized amount of a retirement allowance paid a covered member or the annualized amount of all retirement allowances paid on account of the death of a covered member exceed the difference between (i) 80% of the member's annualized final average compensation, as defined by ordinance, and (ii) the member's annualized primary insurance amount under the federal old age, survivors, disability, and health insurance program, or in the event of the death of the member, the annualized periodic benefit paid by the federal old age, survivors, disability, and health insurance program; provided, that the amount of this deduction shall remain at the total primary insurance amount as first received by the retirant, and shall not be affected by any future increases in the primary insurance amount.
- (b) Except as provided in paragraph (c) of this section, in no case shall the annualized amount of a retirement allowance paid a non-covered member or the annualized amount of all retirement allowances paid on account of the death of a non-covered member exceed 80% of the member's annualized final average compensation, as defined by ordinance.
- (c) Provision may be made for annual or less frequent post-retirement redetermination of retirement allowances. The redetermined amount of retirement allowance shall not exceed the amount of retirement allowance otherwise payable multiplied by the following percent: 100.0% plus 2.5% for each year, and fraction of a year for the period from the effective date of the retirement allowance to the date as of which the redetermination is being made. Any provision of this chapter or the ordinance which limits the amount of a retirement allowance shall not apply to the operation of a redetermination provision. The application of any provision redetermining pension amounts may be restricted to retirement allowances having an effective date either prior to or subsequent to a specified date or dates.
- (d) The amount of retirement allowance paid a person who was a member of the retirement system on November 6, 1973, or paid on account of the death of a person who was a member of the retirement system on November 6, 1973, shall not be less than the amount of retirement allowance computed according to the provisions of Chapter 17A of the City Charter and the retirement ordinance as they were in effect November 5, 1973.

**Section 6. RETIREMENT SYSTEM DIVISIONS:** The retirement system shall consist of two divisions, the policemen and firemen member division and the general member division, as defined in the ordinance. The ordinance may also provide for subdivisions within each division. Separate accounting of the transactions of the retirement system shall be maintained for each division and shall clearly indicate the equity of each division in the assets of the retirement system. Said account separation shall be effective as of June 1, 1974. Each division shall be regarded as a separate trust fund. The provisions of this section refer only to the accounting

records of the system and shall not be construed as requiring a physical segregation of the assets of the system between the divisions. **[Amended and adopted 11-6-1973]**

**(Sections 6.1, 7, 8, 9, and 10 were repealed 11-6-1973.)**

**Section 11. PREVIOUS RETIREMENT SYSTEM ASSETS AND OBLIGATIONS TRANSFERRED:** All assets and funds credited to the retirant system established by Ordinance No. 426 shall be transferred to the retirement system established by this chapter. The said assets and other funds so transferred shall be credited to the pension reserve fund. The benefits allowed and being paid under the provisions of Ordinance No. 426 shall become obligations of the retirement system established by this chapter and shall be paid from the pension reserve fund.

**Section 12. INVESTMENT OF ASSETS:** The Board of Trustees shall be the trustees of the monies and assets of the retirement system. The Board shall have full power and authority to invest and reinvest such monies and assets subject to all terms, conditions, limitations, and restrictions imposed by the State of Michigan on the investments of public employee retirement systems. The Board shall employ outside investment counsel to advise the Board in the making and disposition of investments. All monies and assets of the retirement system shall be held for the sole purpose of meeting disbursements authorized in accordance with the provisions of this Chapter and shall be used for no other purposes. **[Amended and adopted 11-6-1973]**

**Section 13. BENEFITS NOT ASSIGNABLE:** No pensions or allowances payable under the provisions of this chapter, nor any credits of employees in the system, shall be assigned, nor subject to assignment, nor shall they, or any of them, be subject to execution, garnishment, or attachment.

**Section 14. REPEAL CLAUSE:** Section 1 to 12, inclusive, of Chapter XVII of the City Charter, existing prior to the adoption of this amendment shall be repealed as of June 1, 1949.

I hereby certify that the foregoing is a correct and accurate copy of the Charter of the City of Royal Oak, Michigan, adopted by a vote of the electors on November 8, 1921, as amended.

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City Clerk