

**CHARTER
OF THE CITY OF CLIO**

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PREAMBLE

We, the People of the City of Clio, Genesee County, Michigan, by virtue of the authority of the Constitution of the State of Michigan, as amended, do hereby ordain and establish this Charter for the City of Clio.

CHAPTER 1. INCORPORATION AND BOUNDARIES

SECTION 1 CONTINUATION OF EXISTING CORPORATION.

The organized city, now existing as a Michigan municipal corporation, known as the City of Clio, shall be and continue a body corporate under the name "City of Clio," and said city shall constitute one ward to be known as the First ward.

SECTION 2 BOUNDARIES.

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

CHAPTER 2. GENERAL MUNICIPAL POWERS

SECTION 2.1 POWERS OF THE CITY.

Unless otherwise provided or limited in this charter, the City of Clio and its officers shall be vested with any and all powers, privileges, and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for their charters under the Constitution and laws of the State of Michigan, and of the United States of America, including all the powers, privileges and immunities which cities are permitted to, or may, provide in their charter by Act No. 279 of the Public Acts of 1909, as amended as fully and completely as though those powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of any particular powers, privileges or immunities in this charter be held to be exclusive, it being the intent of the charter commission, in framing this charter, and of the people of the city, in adopting it, to include all such powers, privileges, and immunities within the scope of the powers granted to the City of Clio by the provisions of this charter.

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The city and its officers shall have the power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the constitution and general laws of the state and provisions of this charter.

Statutory reference:

Public Act 279 of 1909, see M.C.L.A. §§ 117.5 et seq.

SECTION 2.2 FURTHER DEFINITION OF POWERS.

In addition to the powers possessed by the city under the Constitution and statutes of the State of Michigan, and those set forth throughout this charter, the city shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide for the following, but this list shall not be exclusive:

- (a) The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, or private property of every type and nature for public use, which property may be located within or without the City of Clio and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this charter;
- (c) Refunding money advanced or paid on special assessments for water main extensions; for borrowing money for such refunding, and for issuing bonds therefor, at an interest rate not to exceed statutory limits;
- (d) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;
- (e) The use, regulation, improvement, and control of the surface of its streets, alleys, public ways and other public places and of the space above and beneath them;
- (f) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- (g) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;

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- (h) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;
- (i) Regulating and restricting the locations of oil and gasoline stations;
- (j) Establishing of districts or zones within the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;
- (k) Regulating of trades, occupation and amusements within the city, not inconsistent with state and federal laws, and for the prohibition of such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants;
- (l) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;
- (m) Preventing injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive, or unhealthful, and to prevent and abate nuisances and punish those occasioning them or neglecting or refusing to abate, discontinue, or remove the same;
- (n) Except as altered or abrogated by Chapter 10, prescribing the terms and conditions upon which licenses may be granted, suspended, or revoked; requiring payment of reasonable sums for licenses, and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted;
- (o) Regulating all airports located within its boundaries, and for the purpose of promoting and preserving the public peace, safety, and welfare, controlling and regulating of the use of the air above the city by aircraft of all types;
- (p) Prohibiting or regulating the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment therefor from its wheels or because of placing it on or attaching it to the ground by means of any temporary or permanent foundation, or in any manner whatsoever;
- (q) Requiring an owner of real property within the city to construct sidewalks abutting upon such property, and if owner fails to comply with such requirements or if the owner is unknown to construct such sidewalks and assess 50% of the cost thereof against the abutting property;
- (r) Requiring an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Commission notifies that such hazard or nuisance exists, and if the owner fails to comply with such

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requirements or if the owner is unknown to abate such hazard or nuisance and assess the cost thereof against the property;

(s) The requiring as a condition of approving plats of land or premises hereafter laid out, divided, or platted into streets and alleys within the city, that all streets shown on said plat be graded and graveled or otherwise improved, that all ditches, drains and culvert necessary to make such streets usable to construct, that cement sidewalks be constructed in proper places, all in accordance with city specifications; the Commission may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines;

(t) Regulating and prohibiting the use, selling, storing or transportation of firearms, fireworks, combustible or explosive substances or materials within the city, and to regulate the restrain the making of fires in the streets or other open spaces in the city; provided, however, that no ordinance enacted shall be conflict with state laws relating thereto;

(u) Regulating the height and construction of all fences now or hereafter to be built within the city;

(v) Regulating traffic and the parking of automobiles and other vehicles, and to provide for impounding all vehicles parked in violation of such regulations;

(w) Licensing and regulating junk yards and places for the dismantling, wrecking and disposing of the junk and/or refuse material of automobiles; prescribing rules, regulations and conditions for the operation of the same; provided penalties for the operation of the same without a license and for the violation of any rule, regulation or condition;

(x) Providing, maintaining and regulating one or more pounds and to authorize the impounding of all vehicles, beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the city, prescribing the fees for impounding, and the amount or rate of expense for keeping, and the charges to be paid by the owner or keeper of the vehicles, beast or fowls, for the payment of such fees, expenses and charges, and for penalties incurred, and impose penalties for rescuing any beast or fowl impounded;

(y) Acquiring, owning, erecting, maintaining, managing and controlling real estate, buildings, institutions and works without the corporate limits of the city and to enforce beyond the corporate limits of the city and over such lands, buildings, institutions and property all ordinances and police regulations that may be necessary for the care, protection, control and management thereof in the same manner and to the same extent as if it were located within the city;

(z) Licensing hawkers, peddlers and pawnbrokers, and hawking and peddling and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device, in or upon the streets, highways, alleys, sidewalks, open places or spaces, public grounds or buildings in the city;

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(z.1) The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute.
(Amended 11-8-22)

SECTION 2.3 OUTSIDE FIRE PROTECTION.

In the exercise of the powers contained in Section 2.1 herein, the Commission shall have the right to contract with persons, firms, corporations, or governing bodies to furnish fire protection to property outside the corporate limits of the city for a fair consideration, if the Commission shall find that the financial interests of the city are advanced by obtaining payments therefor; and that the prosperity of the municipality and inhabitants are advanced through preventing a conflagration which might spread within the limits or through protecting from fire industrial or commercial properties which employ residents of the city.

SECTION 2.4 INTERGOVERNMENT CONTRACTS.

The city may join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law to perform jointly, or by one or more, for or on behalf of the other or others, any power or duty which is permitted to be so performed by law which is possessed or imposed upon each governmental unit or agency.

CHAPTER 3. ELECTIONS AND APPOINTMENTS

SECTION 3.1 ELIGIBILITY FOR OFFICE IN CITY.

No person shall be eligible for any elective office of the city unless he shall be a qualified elector of the city and shall have been a resident of the city for at least eighteen months immediately prior to the date of the election at which he is a candidate for office.

All administrative officers shall be United States citizens.

No person shall be eligible for any elective or appointive office who is in default to the city. The holding of office by any person who is in such default shall create a vacancy unless such default shall be cured within thirty days after written notice thereof by the Commission or unless such person in good faith be contesting the liability for the default.

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SECTION 3.2 VACANCIES IN OFFICE.

(a) *Non-elected, appointed officials.* After notice and hearing, any appointed city official other than an appointed city commission seat shall be declared vacant by the Commission upon the occurrence of one or more of the following events:

- (1) For any reasons specified by statute or this charter as creating a vacancy, in office;
- (2) If the officer shall absent himself continuously from the city for more than three days without the permission of the Commission or the City Administrator or the Interim City Administrator;
- (3) If the officer shall be found guilty of any act constituting misconduct in office under the provisions of this charter by any court or vote of four or more members of the Commission at or following such hearing.

(b) *Elected officials including City Commissioners appointed to fill a vacancy.* After notice and hearing, any Commission seat shall be declared vacant by the Commission upon the occurrence of one or more of the following events:

- (1) In the case of any member of the Commission, if such member shall miss five consecutive regular meetings of the Commission, unless such absences shall be excused by the Commission and the reason thereof entered in the proceedings of the Commission at the time of each absence;
- (2) In the event that an arbiter, mediator or court judge finds a Commission member guilty of official misconduct, willful neglect of duty, extortion, or habitual drunkenness, or such member has been convicted of being drunk, or whenever it appears by certified copy of the judgement of a court of record of this state that a Commission member, after the member's election or appointment, has been convicted of a felony.
(Amended 11-3-09)

SECTION 3.3 RESIGNATIONS.

Resignations of all city officers shall be made in writing and filed with the Clerk and shall be acted upon by the Commission at its next regular or special meeting following receipt thereof by the Clerk.

SECTION 3.4 FILLING VACANCIES.

Vacancies in elective officers other than Justice of the Peace shall, within sixty days, be filled by appointment by the Commission of a person possessing the qualifications for the office, who shall hold such office until the next regular city election. At which election such vacancy shall be filled for the unexpired term of such office.

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SECTION 3.5 OATH OF OFFICE AND BOND.

Every office, elective or appointive, before entering upon the duties of his office, shall qualify by taking the oath of office prescribed for public officers by the Constitution of the State, and by filing the oath with the Clerk, together with any bond required by statute, this charter or by the Commission. In case of failure to comply with the provisions of this section within ten days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Commission shall, by resolution, extend the time in which such officer may qualify as above set forth.

SECTION 3.6 QUALIFICATIONS OF ELECTORS.

The inhabitants of the city having the qualifications of electors in the State of Michigan, and no others, shall be electors of the city.

SECTION 3.7 REGISTRATION LIST.

The Registration List of Electors for the City of Clio shall become the Registration List for the City of Clio at the time this charter becomes effective.

SECTION 3.8 ELECTION PROCEDURE.

The election of all city officers shall be on a non-partisan basis. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such general laws relate to political parties of partisan procedure and except as otherwise provided in this charter.

SECTION 3.9 REGULAR CITY ELECTIONS.

A non-partisan regular city election shall be held on the first Monday in April in each odd numbered year.

SECTION 3.10 SPECIAL ELECTIONS.

Special city elections shall be held when called by resolution of the commission at least thirty (30) days in advance of such election, or when required by this charter or the general laws of the state. Any resolutions calling a special election shall set forth the purpose of such election. No more than two special city elections shall be called in any one year.

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SECTION 3.11 ELECTION COMMISSION.

An election commission is hereby created, consisting of the Clerk, Mayor, and one Commissioners appointed by the Commission. The Clerk shall be the Chairman. The Commission shall have charge of all activities and duties required of it by state law and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Commission.

In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed. Said election commission shall before each election appoint a board of inspectors of election, which board shall consist of not less than three qualified electors of the city. When a city election is held on the same day as a national, state, or county election or primary, the same election officials shall act in both the city and the national, state, or county election or primary.

SECTION 3.12 NOTICE OF ELECTIONS.

Notice of the time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the state election law for the giving of notice by township or city clerks.

SECTION 3.13 VOTING HOURS.

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections.

SECTION 3.14 NOMINATION PETITIONS.

Persons desiring to qualify as candidates for elective office under this charter shall file a petition therefor with the Clerk signed by not less than twenty-five (25) nor more than fifty (50) registered electors of the city not later than 4:00 o'clock p.m., E.S.T. on the first Tuesday following the first Monday in August of the year in which a November city election is held. The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

The Clerk shall publish notice of the last day and time for filing nomination petitions at least one (1) week before, and not more than three (3) weeks before that date. No person shall sign his name to a greater number of petitions for any one office than there will be persons elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such name shall not be counted upon any petitions for that office.

(Amended 11-3-09)

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SECTION 3.15 APPROVAL OF PETITIONS.

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city officers by this charter. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent a final determination that the last date for filing petitions the Clerk shall make his final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for those respective elective city offices by this charter and shall write his determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his determinations.

SECTION 3.16 PUBLIC INSPECTION OF PETITIONS.

All nomination petitions filed shall be open to public inspection in the office of the Clerk.

SECTION 3.17 FORM OF BALLOTS.

The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballots as prescribed by state statute.

SECTION 3.18 CANVASS OF THE VOTES.

The Commission shall be the board of canvassers to canvass the votes at city elections, except that if any of such persons is a candidate for office at the election to be canvassed such person shall not serve as a canvasser at such election. The Commission may employ such additional help as may be needed to act on Board of Canvassers. The board of canvassers shall convene on the Wednesday next succeeding each city election at the usual time and place of meeting of the Commission and determine the results of the city election upon each question and proposition voted upon and what persons are duly

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elected or nominated to the several offices, respectively at said election, and shall notify in writing the successful candidates or nominees of their election. The candidate for each city office who shall receive the greatest number of votes shall be declared to be elected to that office.

SECTION 3.19 TIE VOTE.

If, at any city election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Commission shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by state law. Should any person or persons fail or refuse to appear, in person or by representative, to determine the result of any tie election at the time and place named by the Commission, such determination shall be made by lot in his or their absence at the direction and under the supervision of the Commission. Such determination shall, in any event, be final.

SECTION 3.20 RECOUNT.

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with the general election laws of the state. Unless otherwise provided by statute the petition for a recount of the votes cast at any city election shall be filed with the Clerk within six (6) days after the board of canvassers has made its official report of the result of the election at which such votes were cast, and any counter petitions shall be filed within twenty-four hours thereafter.

Editor's note:

Pursuant to M.C.L.A. § 168.866, petitions for recount must be filed by the sixth day after the official report of election results, and pursuant to M.C.L.A. § 168.868, any counter petitions must be filed within 48 hours thereafter.

SECTION 3.21 RECALL.

Any elective official may be removed from office by the electors of the city in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law.

SECTION 3.22 CHANGE IN TERM OF OFFICE OR COMPENSATION.

Except by procedures provided in this charter the terms of the elective officials of the city shall not be shortened. The terms of elective officers of the city may not be extended beyond the period for which any such officer was elected except that an elective officer of the city shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Commission shall not grant or authorize extra compensation to any city officer, agent or contractor, after the service has been

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been rendered or the contract entered into. Nor shall the salary of any elective city officer be increased or decreased after his election during any fixed term of office for which he was elected.

CHAPTER 4. GOVERNMENTAL ORGANIZATION

SECTION 4.1 CITY GOVERNING BODY.

All legislative or policy forming powers of the city shall be vested in, exercised, and determined by a commission of seven (7) members, including a mayor, who shall be designated and known as Commissioners. In all cases where the “Commission” is used in this charter, the same shall mean and shall be synonymous with the terms “Council”, “Common Commission”, “Board of aldermen”, “governing body”, or legislative body or any other synonymous term, as the same may be used in any State or Federal law referring to legislative or governing bodies of cities.

SECTION 4.2 TERMS OF OFFICE.

At each alternate regular City election there shall be elected from the City at large four (4) commissioners, and at the intervening regular elections there shall be elected from the City at large three (3) Commissioners. The Commission shall meet for organization on the first Monday following each regular election at the usual place for holding commission meetings at a time to be determined by the City Commission. The City Clerk shall preside at such meeting until the Mayor shall have been elected. The first order of business at such organizational meeting shall be the election by ballot of one of the members of the Commission as Mayor. All members of the Commission elected under this charter shall serve for four (4) years and until their successors have qualified, except as provided in Chapter Nine (9) hereof. The Mayor shall serve as Mayor for two years and until his successor shall have qualified. The term of office of a commissioner shall commence at 12:00 noon on the Monday following his election and the term of office of the Mayor shall commence immediately upon his election by the Commission to that office.
(Amended 11-6-2012)

SECTION 4.3 QUALIFICATIONS OF COMMISSIONER.

Members of the Commission shall meet the eligibility requirements contained in Section 3.1 and the Commission shall be sole judge of the election and qualifications of its own members.

SECTION 4.4 COMPENSATIONS OF COMMISSIONERS.

The Commissioners shall each receive as their compensation for attendance at the first regular

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meeting of each month the sum of \$20.00 and for attendance at the second regular meeting of each month the sum of \$10.00. No Commissioner shall receive more than \$30.00 per month and the Mayor shall receive \$500.00 per year.

Further, said Commissioner shall upon authorization of the Commission, be allowed reasonable expenses, when actually incurred on behalf of the city.

SECTION 4.5 FUNCTIONAL DUTIES OF THE MAYOR.

(a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the city. He shall have an equal voice and vote in the proceedings of the Commissioner, but shall have no veto power. He shall be the presiding officer of the Commission.

(b) He shall be a conservator of the peace, and may exercise within the City the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in and the enforcement of the ordinances of the city, and to suppress riot and disorderly conduct.

(c) He shall authenticate by his signature such instruments as the Commission, this charter, or the laws of the State of Michigan or the United States shall require.

SECTION 4.6 ADMINISTRATIVE SERVICE.

There shall be, within the administrative service of the city, a Clerk, Treasurer, Assessor, Attorney, Health Officer, Chief of Police, Fire Chief and such additional administrative officers as may be created by ordinance or resolution. The Commission may combine any administrative officers in any manner it deems necessary or advisable for the proper and efficient operation of the city.

Except as hereinafter provided, all administrative officers of the city shall be appointed by the Mayor with the approval of the Commissioner, for an indefinite period, shall serve at the pleasure of the Commission, and shall have their compensation fixed by the Commission. If a vacancy occurs in any administrative office and the mayor fails to make an appointment thereto approved by the council within thirty (30) days from the date the vacancy occurs, then such vacancy shall be filled by the Commission. Provided, however, in lieu of appointment of any administrative officer, the Commission may contract with other municipalities or municipal authorities, boards or agencies for the performance of such services and duties as would otherwise be performed by such administrative officer.

Except as may be otherwise provided by statute or this charter, the Commission shall establish by ordinance or resolution such departments of the city as it deems necessary or advisable and shall

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prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each department.

All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by, or under the authority of this section shall be deemed to be employees of the city. The City Commission shall designate a person or persons with authority to hire or discharge without prior approval of the commission. Any employee who has been discharged may within 10 days thereafter petition the Commission to hear the facts regarding such discharge, and in any such case the Commission may, in its sole discretion, hold a hearing and inquire into such facts and may make such recommendation in the matter as it considers proper.

The City may by initiatory ordinance to be approved by a majority vote of the electors of the city, create the office of the City Manager. In the event such office is created, the Commission may specify the duties, authorities and responsibilities of such office and may provide that any administrative officer or department of the city except the Attorney shall be placed under the administrative direction of such Manager, and in such event the Manager shall have the power to appoint, subject to confirmation by the Commission, such administrative officers of the City as are placed under his administrative direction and shall have the power to discharge such administrative officers without confirmation by the Commission. Any administrative officer who has been discharged may within 10 days thereafter petition the Commission to hear the facts regarding such discharge, and in such case the Commission may, in its sole discretion, hold a hearing and inquire into such facts and may make such recommendation in the matter as it considers proper.

SECTION 4.7 SELECTION OF MAYOR PRO TEM.

The Commission shall at its first regular meeting following each regular biennial city election, select one (1) of its members to serve as Mayor Pro Tem. The Mayor Pro Tem shall perform the duties of the Mayor when, on account of absence from the city, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Commission. The Mayor Pro Tem shall preside over the meetings of the Commission at the call of the Mayor. In the event of a vacancy occurring in the office of Mayor or Mayor Pro Tem, the Commission shall appoint one of its elected members or any other qualified elector to fill such vacancy.

SECTION 4.8 DUTIES OF ADMINISTRATIVE OFFICERS.

All appointive officers of the city shall perform such duties as provided for such officers by state law, this charter, the city ordinances, and the administrative directives of the Commission. The Treasurer shall be the chief accountant of the city and shall maintain a system of accounts which shall conform to such uniform system as may be required by state law. The Clerk shall be the clerk of the

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Commission and shall attend all meetings of the Commission and shall keep a permanent journal in the English language of its proceedings. All such administrative officers shall be responsible to the Commission in and for the performance of the duties of their several offices. The City Treasurer shall also have such powers and duties and prerogatives with regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law upon township treasurers in connection with state, county, township, and school district taxes upon real and personal property. The City Assessor shall have all power vested in, and shall be charged with all the duties imposed upon, assessing officers by general laws of the state. He shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance and by the general laws of the state.

(Amended 11-8-22)

SECTION 4.9 CITY OFFICERS AND EMPLOYEE BENEFITS.

The Commission may provide, by ordinance or resolution, for a merit system of personnel management for employees in the service of the city, for the pensioning of its appointive officers and employees and recognized standard plan of group life, hospital, health, or accident insurance.

SECTION 4.10

(Repealed 11-5-19)

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SECTION 4.11 VIOLATIONS BUREAU.

The Commission shall have power and authority to establish by ordinance a Violations Bureau for the handling of such violations of ordinances and regulations of the city, or parts thereof, as prescribed in the ordinance establishing such bureau. Any person who has received any notice to appear in answer to a charge of violating any of such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine as prescribed by ordinance. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should a person so choose.

SECTION 4.12

(Repealed 11-5-19)

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SECTION 4.13

(Repealed 11-5-19)

SECTION 4.14 POLICE OFFICERS.

All police officers of the City of Clio shall have like powers and authority in matters of civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. Such police officers shall have power also to serve all processes issued for breaches of ordinances of the city. The only compensation of officers of the police force for serving processes issued by the City of Clio shall be the same as those allowed the constables by state law. Provided, however, that the Chief of Police shall not be entitled to any compensation for the service of process. The cost of the bond of any police officer shall be paid by the city.

(Amended 11-5-19)

SECTION 4.15

(Repealed 11-5-19)

SECTION 4.16

(Repealed 11-5-19)

SECTION 4.17

(Repealed 11-5-19)

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SECTION 4.18

(Repealed 11-5-19)

SECTION 4.19

(Repealed 11-5-19)

CHAPTER 5. FUNCTIONS OF THE COMMISSION

SECTION 5.1 PROVIDING FOR PUBLIC HEALTH AND SAFETY.

Through the departments and agencies of the city government, the Commission shall provide for the public peace and health and for the safety of persons and property. The Commission shall constitute the Board of Health of the city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by state laws.

SECTION 5.2 REGULAR MEETINGS.

The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month.

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SECTION 5.3 SPECIAL MEETINGS.

(a) Special meetings shall be called by the Clerk on the written request of the Mayor or any two members of the Commission on at least twenty-four hours' written notice to each member of the Commission served personally or left at his usual place of residence; but any special meeting at which all members of the Commission are present or have waived notice thereof in writing shall be a legal meeting.

(b) No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting.

(c) All regular and special meetings of the Commission shall be open to the public and the rules of order of the Commission shall provide that citizens shall have a reasonable opportunity to be heard.

(d) Four (4) members of the Commission shall be a quorum for the transaction of business at all meetings of the Commission, but in the absence of a quorum, two (2) members may adjourn any regular or special meeting to a later date.

(e) The Commission shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the Mayor and the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yes" and "No" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Any citizen or taxpayer of the city shall have access to the minutes and records of all regular and special meetings of the Commission at all reasonable times.

(f) The Commission may by vote of not less than two (2) of its members, compel the attendance of its members and other officers of the city at its regular and special meetings and enforce orderly conduct therein, and any member of the Commission or other officer of the city who refuses to attend such meetings or conduct himself in any orderly manner thereat shall be deemed guilty of misconduct in the office. The Chief of Police shall serve as the Sergeant-at-Arms of the Commission in the enforcement of the provisions of this section.

(g) No Commissioner shall vote on any question in which he has a financial interest other than the common public interest or any question concerning his own conduct, but on all questions each member who is present shall vote unless excused by unanimous consent of the remaining members present.

(h) The proceedings of the Commission or a summary thereof shall be published at least once within 15 days following each meeting. Any such summary of such proceedings shall be prepared by the Clerk and approved by the Mayor, and shall show the substance of each separate proceedings of the Commission.

(Amended 11-5-19)

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SECTION 5.4 PRIOR ORDINANCES AND REGULATIONS.

All by-laws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this charter and continue in full force and effect on the effective date of this charter shall continue in full force and effect as by-laws, ordinances, resolutions, rules and regulations of the city until repealed or amended.

SECTION 5.5 ORDINANCE ENACTMENT.

All legislation of the City of Clio shall be by ordinance or by resolution. The word "Resolution" as used in this charter shall be the official action of the Commission in the form of a motion and such action shall be limited to matters required or permitted to be done by resolution by this charter or by state or federal law and to matter pertaining to the internal affairs or concerns of the city government. All other acts of the Commission, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Ordinances may be enacted, amended or repealed by the affirmative vote of not less than four (4) Commissioners. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Commission shall be "The City of Clio Ordains." Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Commission at the same meeting at which it is introduced. No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted and published at length and all ordinances, when enacted, shall be immediately recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signature thereon.

SECTION 5.6 PENALTIES FOR VIOLATIONS OF ORDINANCES.

The Commission may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days or both in the discretion of the court.

SECTION 5.7 PUBLICATION OF ORDINANCES.

Each ordinance passed by the Commission shall be published at least once within fifteen (15) days after the adoption of the ordinance by the Commission. All ordinances of the city shall become effective, immediately upon the publication thereof, unless a date upon which an ordinance shall become effective which is subsequent to the date of the public thereof, is specifically provided in the ordinance itself. The publication of any ordinance in full after its final passage as part of the published proceedings of the Commission shall constitute publication of such ordinance as required therein. An ordinance which is declared therein to be immediately necessary for the preservation of the public peace, health or safety

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may be given effect before publication as otherwise required by this charter, if preliminary publication is accomplished by posting copies thereof in conspicuous locations in ten public places in the city; and the Clerk shall immediately after such posting, enter in the Ordinance Book under the record of the ordinance, a certificate under his hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting; however, such ordinances shall also be published in the manner required for other ordinances within fifteen days after its adoption.

SECTION 5.8 TECHNICAL CODES.

The Commission may adopt any provision of state law or any detailed technical regulation of a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial provided that any such provision of state law recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any recognized official or unofficial standard code is so adopted, it may be published by providing to the public not less than fifty (50) copies in book or pamphlet form, available for public distribution at a reasonable charge, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

SECTION 5.9 INITIATIVE AND REFERENDUM.

An ordinance may be initiated by petition or a referendum or an ordinance enacted by the Commission may be had by a petition, as hereinafter provided.

SECTION 5.10 PETITIONS.

An initiatory or a referendary petition shall be signed by not less than fifteen (15) per cent of the registered electors of the City who have signed said petition within six (6) months before date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions may be approved as to form by the Clerk. No such petition need be on one paper but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereof to determine the sufficiency thereof. If found to contain an insufficient number of signatures or registered electors of the City, or to be improper as to form, or compliance with the provisions of this section, the Clerk shall notify forthwith the persons filing such petition, and ten (10) days from such notification shall be allowed for the filing or supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Commission at its next regular meeting.

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SECTION 5.11 COMMISSION PROCEDURE.

Upon receiving an initiatory or referendary petition from the Clerk, the Commission shall, within thirty (30) days, either:

- (a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the city;
- (b) If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the city.

SECTION 5.12 SUBMISSION TO ELECTORS.

Should the Commission decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any purpose, or, in the discretion of the Commission, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the Constitution or laws of the State of Michigan.

SECTION 5.13 ORDINANCE SUSPENDED.

The certification by the Clerk of the sufficiency of a referendary petition filed within thirty (30) days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Commission or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Commission for a period of two (2) years after the date of the election at which it was adopted.

SECTION 5.14 FRANCHISES, CONTRACTS, AND LEASES REMAIN IN EFFECT.

All franchises, contracts and leases to which the City is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

SECTION 5.15 GRANTING OF PUBLIC UTILITY FRANCHISE.

Public utility franchises and all renewals and extensions thereof and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

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No franchise ordinance which is not subject to revocation at the will of the city shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and receive the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Commission for referral to the electorate before thirty days after publication therefor has been filed with the Commission, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Commission unless the expense of holding such election, as determined by the Commission, shall have first been paid to the Treasurer by the grantee.

A franchise ordinance which is subject to a revocation at the will of the city may be enacted by the Commission without referral to the voters, but shall not be enacted nor become operative unless it shall have been complete in the form in which it is finally enacted and remain on file with the Clerk for public inspection for at least four weeks before the final enactment thereof.

SECTION 5.16 CONDITIONS OF PUBLIC UTILITY FRANCHISE.

All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not shall be subject to the following rights of the city:

- (a) To repeal the same for misuse, non-use or failure to comply with the provisions thereof;
- (b) To require reasonable and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable and practicable standards for service and quality of products and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To impose such other reasonable regulations as may be conducive to the health, safety and accommodation of the public;
- (f) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above the beneath them. The above enumeration shall not be exclusive or impair the right or the Commission to insert in such franchise any provisions within the power of the city to impose or require.

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SECTION 5.17 RESTRICTIONS ON THE COMMISSION.

The Commission shall not have the power to make any contract with or give any official position to one who is in default to the city. Further, the Commission shall not have the power to sell any park, cemetery or any part thereof, except where such park is not required under an official master plan of the city, or to engage in any business enterprise requiring an investment of money in excess of 10¢ per capita, unless these actions are approved by a three-fifths majority of the electors voting thereon at a regular or special election.

Unless by the affirmative vote of four Commissioners, no office shall be created or abolished, no tax or assessment shall be imposed, no street, alley or public ground shall be vacated, no action shall be taken to condemn private property for public use, no money shall be appropriated, nor shall any vote of the Commission be reconsidered or rescinded.

SECTION 5.18 INVESTIGATIONS.

The Commission or any person or committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office, or officer of the City and make investigations as to municipal affairs, and for the purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Expenses shall not be incurred by any investigation without the approval of the City Commission. Failure on the part of any officer of the City to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure, shall be on the part of an employee of the City, the same shall constitute a misdemeanor, and upon conviction thereof such employee shall be punished by imprisonment in the county jail for not more than ninety (90) days, or by a fine of not more than \$500.00, or by both such fine and imprisonment.
(Amended 11-6-2012)

SECTION 5.19 SEVERABILITY OF ORDINANCES.

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or applications, provided such remaining portions are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

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CHAPTER 6. GENERAL FINANCE AND TAXATION

SECTION 6.1 FISCAL YEAR.

The fiscal year of the city and all of its agencies shall begin on the first day of July of each year and end of the thirtieth day of June of the following year.

SECTION 6.2 BUDGET PROCEDURES.

The Mayor of the city or some other designated person appointed by the Commission shall be the Budget Officer. Each board, commission, officer and department head shall submit his recommended budget with supporting explanation for the fiscal year to the Budget Officer on or before March 15 of each year.

The Budget Officer shall prepare and submit to the Commission, on or before the first regular meeting in April of each year, a budget document covering the next fiscal year tabulating the recommendations of the several department heads and officials, and shall include therein at least the following information:

- (a) Detailed estimates, with supporting explanations, of all proposed expenditures for each department and office of the city together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated revenues for the balance of the current fiscal year;
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting schedules as the Commission may request.

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SECTION 6.3 ADOPTION OF BUDGET, TAX LIMIT.

Not later than the third Monday of May, the Commission shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution make an appropriation for the money needed for municipal purposes during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed maximum as provided by law of the assessed valuation of all real and personal property subject to taxation in the city.

SECTION 6.4 BUDGET CONTROL.

Except for purposes which are to be financed by the issuance of bonds, special assessment, or other method not requiring a budget appropriation, no money shall be drawn from the treasury of the city without an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Commission may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another. In the case of emergency arising from a pressing need other than a regular or recurring requirement and necessary to protect the public health, welfare or safety, the Commission may make additional appropriations to cover unanticipated expenditures required of the city because of such emergency. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the officer responsible for maintenance of the city accounting system shall submit the Commission data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Commission may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

SECTION 6.5 PURCHASING AGENT.

The Commission designates the City Administrator as Purchasing Agency, and he shall be responsible for the purchase of city personal property within budget limitation and the sale of all city property except real estate. The Commission may authorize the making of public improvements or the performance of any other city work by a city agency without competitive bidding. The Commission may establish detailed purchasing, sale, and contract procedure by ordinance or resolution.
(Amended 11-5-19)

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SECTION 6.6 DEPOSITORY.

The Commission shall designate the depository or depositories for city funds, and shall provide for the regular deposit of all city moneys. The Commission shall provide for such security for city deposits as is authorized or permitted by the general laws of the state, except that personal security bonds shall not be deemed proper security.

SECTION 6.7 INDEPENDENT AUDIT.

An independent audit shall be made of all accounts of the city government at least annually and more often if deemed necessary by the Commission. Such audit shall be made by certified public accounts experienced in municipal accounting. The results of such audit shall be made public in such manner as the Commission may determine, but, as a minimum, it shall be available for inspection of the office of the Clerk.

SECTION 6.8 POWER TO TAX.

The city shall have the power to assess taxes and levy and collect rents, tolls and excises.

SECTION 6.9 SUBJECTS OF TAXATION.

The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected and returned in the manner provided by statute.

SECTION 6.10 EXEMPTIONS.

No exemptions from taxation shall be allowed, except as expressly required or permitted by statute.

SECTION 6.11 TAX DAY.

Unless otherwise provided by law, the 31st day of December in each year shall be Tax Day of both real and personal property in the city.

SECTION 6.12 PREPARATION OF THE ASSESSMENT ROLL.

On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the city subject to taxation. Such roll shall be prepared in accordance

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with statute and this charter. Values shall be estimated according to recognized methods of systematic assessment. The records of the Assessor shall show separate figures for the value of the land, of the building improvements and of the personal property; and the method of estimating all such values shall be as nearly uniform as possible.

On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase over the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

SECTION 6.13 BOARD OF REVIEW.

The Board of Review shall be composed of the mayor and two electors of the city who shall meet the eligibility requirements for elective officers contained in Section 3.1 and who during their term of office shall not be city officers or employees or be nominees or candidates for any elective city office. The Commission shall fix the compensation of the members of the board. The Board of Review shall annually, in February, select its own chairman for the ensuing year, and the assessor shall be the clerk of the board but shall have no vote.

SECTION 6.14 MEETINGS OF THE BOARD OF REVIEW.

The Board of Review shall convene in its first session on the second Monday in March of each year at such time of day and place as shall be designated by the Commission and shall remain in session for at least eight hours for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing of an assessment or the adding of any property such roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment therein.

The Board of Review shall convene in its second session on the fourth Monday in March of each year at such time of day and place as shall be designated by the Commission and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six hours. At the second session, the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

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SECTION 6.15 NOTICE OF MEETINGS.

Notice of the time and place of the sessions of the Board of Review shall be published in a newspaper published or circulated in said City of Clio, by the Clerk at least ten days prior to each session of the Board.

SECTION 6.16 DUTIES AND FUNCTIONS OF BOARD OF REVIEW.

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of Boards of Review in townships, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

SECTION 6.17 ENDORSEMENT OF ROLL.

After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is in the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

SECTION 6.18 CERTIFICATION OF REVENUE.

Within three days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the assessor the total amount which the Commission determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all amounts which the Commission requires to be assessed, reassessed or charged upon any property or against any person.

SECTION 6.19 CITY TAX ROLL.

After the Board of Review has completed its review of the assessment roll to be known as the "City Tax Roll" and upon receiving the certification of the several amounts to be raised as provided in Section

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6.18, the Assessor shall spread upon said tax roll the several amounts determined by the Commission to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax rolls shall belong to the city.

SECTION 6.20 CITY TAX ROLL CERTIFIED FOR COLLECTION.

After extending taxes aforesaid and not later than the fifteenth (15) day of June in each year, the Assessor shall certify said tax roll, and the Mayor shall annex his warrant thereto, directing and requiring the Treasurer to collect prior to November first of said year, from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to him, for the purpose of collecting the taxes, assessment, and charges on such roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

SECTION 6.21 TAXES LIEN.

On July 1 the amounts assessed on any interest in real property shall become a lien upon such real property for such amounts and for all interest and charges therein and all personal taxes shall become a first lien on all personal property of such persons so assessed.

The liens shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

SECTION 6.22 TAXES DUE; NOTIFICATION.

City taxes shall be due on the first day of July of the year when levied. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall give notice to the taxpayers of the city by publication in a newspaper at least twice, the last of which publication of notice shall be made at least ten (10) days prior to the first day of July in each year, of the time when said taxes will be due for collection, or shall give such notice by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said roll. Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release any person or property assessed from the penalty provided in this charter in case of non-payment of the same.

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SECTION 6.23 COLLECTION OF CITY TAXES.

City taxes shall be due and payable on the first day of July each year. To all taxes there shall be added one (1) percent as a collection fee. To all taxes paid after September 30, there shall also be added a two (2) percent penalty. The added collection fees, penalties, and interest herein provided shall belong to the city and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

SECTION 6.24 DELINQUENT TAX ROLL TO COUNTY TREASURER.

If the Treasurer has been unable to collect any of the city taxes on said roll of real property before the first day of March following the date when said roll was received by him, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school and county taxes.

Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees herein before provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returns to the county treasurer to be collected under the provisions of the general laws of the state shall be and remain a lien upon the lands against which they are assessed until paid.

SECTION 6.25 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX.

If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by November first, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on the personal property sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

SECTION 6.26 PROTECTION OF CITY LIEN.

The city shall have the power to acquire by purchase any premises within the city at any tax or other public sale, or by direct purchase from the State of Michigan, or the fee owner when such purchase is necessary to protect the lien of the city for taxes or special assessments, or both, on said premises and may lease or sell the same for the purpose of securing therefrom the amount of such taxes or special assessments or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

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SECTION 6.27 STATE, COUNTY, AND SCHOOL TAXES.

For the purpose of assessing taxes in the city for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of state law relative to the collection of such taxes and the fees to be paid therefor, the accounting therefor to the appropriate taxing units, and the returning of property to the county treasurer for non-payment thereof shall apply to the performance by the Treasurer, who shall perform the same duties and have the same powers as township treasurers, under the state law.

SECTION 6.28 MUNICIPAL BORROWING POWER.

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

- (1) General obligations which pledge the full faith, credit and resources of the city for the payment of such obligations; when authorized by a three-fifths vote of the electors voting thereon at any general or special election;
- (2) Notes issued in anticipation of the collection of taxes;
- (3) In case of fire, flood or other calamity, emergency loans due in not more than five years for the relief of the inhabitants of the city and for the preservation of municipal property;
- (4) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments; such special assessment bond may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the city;
- (5) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by this charter to acquire or operate, provided such bonds shall not impose any liability upon such city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure; such bonds shall be authorized by a three-fifths vote of the electors voting thereon at any general or special election; a sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the

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mortgage bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required;

(6) Bonds issued at a rate of interest not to exceed State Statute of Limitations to refund money advanced or paid on special assessments imposed for water main extensions;

(7) Bonds for the refunding of the funded indebtedness of the city;

(8) Revenue bonds as authorized by statute which are secure only by the revenues from a public improvement and do not constitute a general obligation of the city.

SECTION 6.29 LIMITS OF BORROWING POWERS.

The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections of this charter: 6.28 (2) (tax anticipation notes); 6.28 (3) (emergency loans); 6.28 (4) (special assessment bonds even though they are also a general obligation of the city); 6.28 (5) (mortgage bonds); 6.28 (6) (special assessment refunding bonds); 6.28 (8) (revenue bonds), and other bonds which do not constitute a general obligation of the city.

The amount of emergency loans which the Commission may make under the provisions of Section 6.28 (3) of this charter may not exceed three-eighths of one percent of the assessed value of all the real and personal property in the city.

The total amount of special assessment bonds pledging the full faith and credit of the city shall at no time by reason of future issues other than issues of refunding bonds exceed five percent of the assessed value of all the real and personal property in the city, nor shall such bonds be issued in any consecutive period or twelve months in excess of one percent of such assessed value unless authorized by a majority vote of the electors voting thereon at any general or special election.

CHAPTER 7. PUBLIC IMPROVEMENTS, CONTRACTS AND UTILITIES

SECTION 7.1 GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS.

The Commission shall have the power to determine the necessity of any local or public improvement and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefitted and shall so declare by resolution, provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such

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resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessment, and what part, if any, shall be a general obligation of the city, and the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

SECTION 7.2 DETAILED PROCEDURE TO BE FIXED BY ORDINANCE.

The Commission shall prescribe by general ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls in advance of starting the improvement, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements by the special assessment method, subject to the provisions of this charter.

SECTION 7.3 OBJECT TO IMPROVEMENTS.

If at or prior to final conformation of any special assessment, more than fifty (50) percent of the number of owners of private owned real property to be assessed for any improvement, or in case of paving or similar improvements, more than fifty (50) percent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement it shall not be made by the proceedings authorized in this charter without a five-sevenths (5/7ths) vote of the members-elect of the Commission provided that this section shall not apply to sidewalk construction.

SECTION 7.4 DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS.

The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the city if such excess is five percent or less of the assessment, but should the assessment prove larger than necessary by more than five percent of the entire excess shall be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whom or in part by such special assessment.

SECTION 7.5 CONTESTED ASSESSMENTS.

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (1) unless within thirty days after the conformation of the special assessment roll written notice is given to the Commission of intention to file such suit or action stating the grounds of which it is claimed such assessment is illegal, and (2) unless such suit or

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action shall be commenced within sixty days after confirmation of the roll.

SECTION 7.6 DELINQUENT SPECIAL ASSESSMENTS.

Special assessments and all interest and charges thereon, from the date of confirmation of the roll shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for the state and county taxes and by this charter for city taxes, until paid. From such date after confirmation as shall be fixed by the Commission, the same collection fees, penalties, and interest shall be paid on delinquent special assessments and upon delinquent installments of such special assessments as provided by this charter to be paid on delinquent city taxes. In case any assessment or any part thereof, shall remain unpaid on the first Monday of May following the date when the same became delinquent, the same shall be reported unpaid by the Treasurer to the Commission, and such delinquent assessments, together with all accrued interest shall be transferred and reassessed on the next annual city tax roll in a column heading "Special Assessments" with a penalty of four (4) percent upon such total amount added thereto, and when so transferred and reassessed upon said tax roll shall be collected in all respects as provided for the collection of city taxes.

SECTION 7.7 HAZARDS AND NUISANCES.

When any lot, building, or structure within the city, because of the accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the Commission, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the city or those of them residing or habitually going near such lot, building or structure, the Commission may after investigation, give notice to the owner of the land upon which such hazard or nuisance exists, or the owner of the building or structure itself, specifying the nature of the hazard or nuisance, and requiring such owner to alter, repair, tear down, or remove same promptly and within a time to be specified by the Commission, which shall be commensurate with the nature of the hazard or nuisance. If, at the expiration of the time limit in said notice, said owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Commission may order such a hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required, and the costs of such abatement, assessed against the lot, premises or description of real property upon which said hazard or nuisance was located.

SECTION 7.8 ADDITIONAL PROCEDURES.

In any case where the provisions of this charter, either expressed or incorporated therein, may prove to be insufficient to carry into full effect the making of any special assessment, the Commission shall provide any additional steps or procedures required to effect the improvement by special assessment.

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SECTION 7.9 DEFERRED PAYMENT ON SPECIAL ASSESSMENTS.

The Commission may provide for the deferred payment of special assessments from persons who, in the opinion of the Commission and Assessor, by reason of poverty are unable to contribute toward the cost thereof. In all such cases, as a condition to the granting of such deferred payments, the city shall require mortgage security on the real property of the beneficiary payable on or before his death or in any event on the sale or transfer of the property.

SECTION 7.10 POWERS RESERVED BY THE CITY.

The city shall possess and hereby reserves to itself all the powers granted the cities by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities and projects for the housing of its citizens, or any of them to the municipality and inhabitants thereof; and also to sell and deliver water, light, heat, gas, and other public utility service without its corporate limits to an amount to exceed limitations set by state law and Constitution. The city may also acquire, own, improve, maintain, construct and operate parks, boulevards, cemeteries, hospital, almshouses, trunk sewers and plants necessary for the disposal of sewage and garbage and all other works which involve the public health and safety and also any land necessary for such improvement or for use in connection with any other public place.

SECTION 7.11 POWER TO ACQUIRE PUBLIC UTILITIES.

The city shall have no power to acquire any public utility unless the proposition to acquire such public utility shall have first received an affirmative vote of three-fifths of the qualified electors of the city voting thereon at any regular, special or municipal election; provided, however, that only those works, improvements and utilities designated for use for the supplying water, sewage facilities, heat, light, power and transportation to the municipality and the inhabitants thereof, shall be deemed public utilities falling within the restriction of this section. The question of raising the money required for such purposes by borrowing and issuing the bonds of the city, may be submitted at the same time, either as an independent question or as part of the same question.

SECTION 7.12 POWER TO FIX WATER RATES, ETC.

The Commission shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city and others with water, with electricity for light, heat and power and with such other utility services as the city may provide.

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SECTION 7.13 MANAGEMENT OF MUNICIPAL UTILITIES.

Municipally owned utilities shall be administered as a regular department of the city government, and not by an independent board or commission.

SECTION 7.14 UTILITY CHARGES COLLECTION.

The commission shall provide by ordinance or resolution for the collection of all water service charges made by the city by Acts 178 of the Public Acts of 1939, as amended. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the city any sums due on utility bills, the utility service or services upon which such delinquency exists, may be shut off or discontinued and suit may be instituted by the city for the collection of same in any Court of competent jurisdiction. The city shall have as security for the collection of such utility rates and charges for water furnished any person or persons, or any firm or corporation a lien upon the real property for which such water is supplied, which lien shall become effective immediately upon the supplying of such water service, and may be enforced in accordance with the provisions of said Act No. 178, of the Public Acts of 1939, as amended.

Statutory reference:

Public Act 178 of 1939, see M.C.L.A. §§ 123.161 et seq. and M.C.L.A. § 141.121

SECTION 7.15 DISPOSAL OF UTILITY PLANTS AND PROPERTY.

Unless approved by a three-fifths majority vote of the electors voting thereon at a regular or special election the city shall not sell, exchange, lease or in any way dispose of any property, easement, equipment, privilege or asset belonging to and appertaining to any municipality owned utility. All contracts, negotiations, licenses, grants, lease or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city owned utility which are worn out or useless or which have been or could with advantage to the service be replaced by new and improved machinery or equipment.

SECTION 7.16 UTILITY ACCOUNTS.

Transactions pertaining to the ownership and operation by the city of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which account shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other city department or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

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SECTION 7.17 CONTRACTS.

The authority to contract on behalf of the city is vested in the Commission and shall be exercised in accordance with the provisions of the statutes and of this charter. The Commission shall establish procedures for the letting and making of contracts, but no contract except an agreement of employment or an agreement for the purchase or sale of goods, wares or merchandise in an amount of one thousand dollars or less shall be made unless the same shall have first been submitted to the attorney and his opinion obtained with respect to its legality and form. A copy of all contracts requiring such opinion and certification shall be filed in the office of the clerk.

The Commission may enter into contracts or agreements for the purchase of lands, property or equipment for public purposes, committing the payment of funds beyond those funds appropriated at the time such commitment is made; provided, however, that no contract or agreement shall be made committing the payment of unappropriated funds in excess of \$10,000.00 or over a payment period of longer than ten years from the date of such contract or agreement.

No contract shall be amended after the same has been made except upon the authority of the Commission.

No compensation shall be paid to any contractor except in accordance with the terms of the contract.

No contract shall be made with any person, firm or corporation who is in default to the city.

The purpose of this proposed amendment is to allow the Clio City Commission to enter into contracts committing the payment of funds beyond those appropriated by the particular Commission in office at the time that such commitment is made, thus allowing the Commission in office to bind future Commissions but only to the extent of \$10,000.00 and only for the period of ten years on any one contract or agreement.

CHAPTER 8. MISCELLANEOUS

SECTION 8.1 CITY RECORDS.

All records of the city shall be public.

SECTION 8.2 AMENDMENTS.

Should any portion of this charter be declared void, illegal and unconstitutional, such finding shall not invalidate the remainder of this charter.

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SECTION 8.3 AMENDMENTS.

This charter may be amended at any time in the manner provided in Act Number 269 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

SECTION 8.4 CITY RECORDS.

All books, records, compilations, etc., in and pertaining to any city office, elective or appointive, shall be and remain the property of the city.

Each officer of the city, elective or appointive, shall at the close of his tenure of office surrender all such books, records, compilations, etc., to his successor in office or to the Clerk of the city.

SECTION 8.5 CITY LIABILITY.

The city shall not be liable for damages sustained by any person to his person or property by reason of the negligence of the city, its officers or employees, while in the exercise of its governmental functions, unless such person shall serve or cause to be served upon the Clerk, within sixty days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant, and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him.

The city shall not be liable for any damages to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the city for any such damages until such claim shall have been filed with the Clerk and until the Commission shall have been given opportunity to act thereon either by allowing or refusing to allow the claim.

It shall be a sufficient bar and swear in any court to any action or proceeding for the collection of any demand or claim against the city under this section that the notice of injury and verified proof of claim as in this section required were not presented and filed within the time and in the manner as herein provided.

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SECTION 8.6 PROCESS AGAINST THE CITY.

A process against the city shall run against the city in the corporate name thereof and may be serve upon the Mayor, Clerk or Attorney.

SECTION 8.7 TRUSTS.

All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Commission may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in cases where the cy pres doctrine shall apply.

SECTION 8.8 DEFINITION OF PUBLICATION; MAILING OF NOTICES.

The requirement contained in this charter for the publishing or publication of notices, ordinances or proceedings shall be met by publishing any appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city or village for a least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

In any case in which this charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

SECTION 8.9 SUNDAYS AND HOLIDAYS.

Whenever the date fixed by this charter for the doing of completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day, which is not a Sunday or legal holiday.

SECTION 8.10 CHAPTER AND SECTION HEADLINES.

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

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SECTION 8.11 INTERPRETATIONS.

Except as otherwise specifically provided or indicated by the context:

- (1) All words used in this charter indicating the present tense shall not be limited to the time of the adoption of this charter but shall extend to and include the time of the happening of any event or requirement for which provisions is made herein;
- (2) The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter;
- (3) The word “person” may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals;
- (4) The words “printed” and “printing” shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method;
- (5) Except in reference to signatures, the words “written” and “in writing” shall include printing and typewriting;
- (6) The word “office” shall include the members of the Commission and the administrative officers;
- (7) All references to statutes shall be considered to be references to such statutes as amended;
- (8) The word “default” shall be defined to include being delinquent in taxes among its meanings;
- (9) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied;
- (10) The words “law” or “general laws of the state” shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the words “law” or “general laws of the State” is to be applied, and applicable common law;
- (11) All references to section numbers shall refer to section numbers of this charter.
(Amended 11-5-19)

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CHAPTER 9. SCHEDULE

SECTION 9.1 STATUS OF SCHEDULE CHAPTER.

The purpose of this schedule chapter is to consummate a charter revision for the City of Clio and its shall constitute a part of this charter only to the extent and for the time required to accomplish that end.

SECTION 9.2 ELECTION ON ADOPTION OF CHARTER.

This charter shall be submitted to a vote of the electors of the City of Clio for adoption or rejection at a special city election to be held on the 20th day of February, 1961, such election to be held and conducted in accordance with the provisions of the existing charter and state law.

For the purposes of this initial election, the Charter Commission shall constitute the Election Commission and it shall also constitute the Board of Canvassers.

The City Clerk shall, in accordance with the state law, publish two notices of the last day of registration for this special election, shall post ten election notices in conspicuous places in the city, and shall do all other things necessary to prepare for and conduct such election. The Charter Commission shall meet to canvass the results of the election on February 21 1961, at 8:00 p.m. and the Clerk of this Commission shall certify the results of the election and the Charter Commission shall perform its functions as the Board of Canvassers.

SECTION 9.3 FORM OF BALLOT.

Form of Ballot for submission of this Charter shall be as follows:

**OFFICIAL SPECIAL ELECTION BALLOT
CITY OF CLIO, MICHIGAN**

Instructions: To vote in favor of adopting said proposed Charter make a cross (X) in the square () to the right of the word "YES" and to vote against adopting said proposed Charter, make a cross (X) in the square () to the right of the word "NO",

"Shall the proposed Charter of the City of Clio, framed by the Charter Commission, which was elected on May 26, 1959, and which has been approved by the Governor of the State of Michigan, be adopted?"

YES () NO ()

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SECTION 9.4 FIRST CITY OFFICERS.

There shall be elected at the first regular election in April, 1961, and alternate regular elections thereafter, four (4) commissioners for terms of four (4) years each, one justice of the peace for a term of four (4) years, one member of the Board of Review for a term of four (4) years, and as many commissioners for terms of two (2) years as are necessary to complete the full commission of seven (7) members, it being intended that any commissioner or Board of Review member elected under the preceding charter for terms extending to 1963 shall continue in such office until the regular 1963 election as provided in this charter. There shall be elected in the regular 1963 election and alternate regular elections thereafter three (3) commissioners for terms of four (4) years each and one justice of the peace for a term of four (4) years. A justice of the peace elected in 1959 for a four year term under the preceding charter shall continue in such office until July 4, 1963.

SECTION 9.5 DATE OF THIS CHARTER.

For the purpose of electing city officers under this charter, this charter shall take effect on the day on which the city clerk published the first notice of the last day of registration for the special election on the adoption of this charter. For all other purposes, this charter shall take effect on April 10, 1961, at 8:00 p.m. Eastern Standard Time. At such time the first officers elected under this charter shall assemble in the Municipal Council Chambers of the City of Clio. The meeting shall be called to order by a member of the Charter Commission designated by it for that purpose. Each officer shall take and subscribe to his oath of office and shall thereupon be qualified for and shall assume the duties of his office.

SECTION 9.6 INTERIM FINANCIAL PROVISIONS.

The Council shall, at its first meeting after the effective date of this charter, by resolution continue as city appropriation the unencumbered balances of the appropriations made by the previous City Council of Clio for the fiscal year ending May 31, 1961, and these appropriations shall then be deemed to be the appropriations of the council elected hereunder and the fiscal year of the city shall be completed by the city as though no governmental changes had been made. On May 31, 1961, the balances of all appropriations not then encumbered shall revert to the general fund.

The period from June 1, 1961, to June 30, 1961, inclusive, shall constitute a special fiscal period to accomplish the transition from the previously existing fiscal period. A budget for such special fiscal period shall be prepared and adopted and administered in accordance with the provisions of this charter, such budget shall be adopted not later than May 1, 1961.

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SECTION 9.7 PUBLICATION OF CHARTER.

This proposal Charter shall be published in the Clio Messenger on February 1, 1961, together with a notice of the election on the adoption of the Charter.

SECTION 9.8 RESOLUTION OF ADOPTION.

At a meeting of the Charter Commission of the City of Clio held December 16, 1960, the following resolution was presented by Commissioner Conlee who moved for its adoption. Said motion was supported by Commissioner Schaupp.

Resolved, that the Charter Commission of the City of Clio does hereby adopt the foregoing proposed city charter, and the clerk of this Commission is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute, for his approval.

The vote on the adoption of said resolution was as follows:

Yeas: Crompton, Conlee, Whitman, Ringler, Richey, Schaupp, Houghton and Hornung.

Nays: None.

Signed:

Edwin W. Crompton, Chairman, Charter Commission of the City of Clio.
Otto B. Hornung, Clerk, Charter Commission of the City of Clio.

Countersigned:

Charter Commission of the City of Clio, Michigan:

Edwin W. Crompton
Clifton S. Conlee
Ernest W. Whitman
William E. Ringler
Lawrence D. Richey
Jack Schaupp
Richard Houghton
Beryl E. Hornung

The above Commissioners having attested to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned, subject to the call of the Chairman.

State of Michigan

ss.

County of Genesee

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Otto B. Hornung, Clerk of the Charter Commission of the City of Clio being duly sworn, says that at an election held in the City of Clio on May 26, 1959, the following named persons were duly elected as a Commission to frame a Charter for the City of Clio, namely: Riley L. Criss, Edwin W. Crompton, Peter R. Ellis, Beryl E. Hornung, Ernest Whitman, Marilyn Mapes, Lawrence D. Richey, William E. Ringler and Jack A. Schaupp. The members elected to said Charter Commission did meet on June 9, 1959, within the time prescribed by law, and elected Edwin W. Crompton, chairman and Otto B. Hornung, clerk of said Charter Commission. On September 2, 1959, Commissioner Marilyn Mapes resigned due to circumstances, and Clifton S. Conlee was duly appointed by the Charter Commission of the City of Clio, and duly sworn in on September 28, 1959, to fill the vacancy due to the resignation of Commissioner Mapes. On October 12, 1959, Commissioner Riley L. Criss resigned due to change of residence, and Richard L. Houghton was duly appointed by the Charter Commission of the City of Clio, and duly sworn in on November 23, 1959, to fill the vacancy due to the resignation of Commissioner Criss. Commissioner Peter R. Ellis moved from the city after completion of proposed charter. The annexed and foregoing charter was duly framed and adopted by said Charter Commission, by the foregoing Resolution of Adoption, which is a true and correct copy thereof, and that the said Charter Commission directed that said Charter be presented to the electors of the City of Clio in accordance with the requirements of the laws of the State of Michigan, which provide therefor.

Otto B. Hornung, Clerk of the Charter Commission of the City of Clio

Date: December 21, 1960

Subscribed and sworn to before me this 21st day of December, 1960

Della Blakely, Notary Public
Genesee County, Michigan

My commission expires: December 6, 1963.

Approved:

JOHN B. SWAINSON
Governor, State of Michigan

CHAPTER 10. MEDICAL MARIHUANA

SECTION 1 PURPOSE

The purpose of this article is to end the city's prohibition of marihuana facilities, and authorize and regulate such facilities within the city consistent with the Medical Marihuana Facilities Licensing Act, 2016 PA 281, MCL 333.27101 et seq, and to provide qualifying patients local access to medical

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marihuana for conditions such as epilepsy, multiple sclerosis, colitis, arthritis, crohn's disease, cerebral palsy, chronic pain, parkinson's disease, post traumatic stress disorder, and other medical conditions for which marihuana has been deemed an approved medical use by the state of Michigan. Nothing contained within this article, or within any local approval issued by the city, shall be construed to relieve a person of the duties and obligations imposed under state laws and regulations.

Notwithstanding the foregoing, it is not the intent of this article to diminish, abrogate or restrict protections for the medical use of marihuana provided in the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq. Nothing in this article is intended to grant individuals immunity from the enforcement of federal laws prohibiting marihuana activity. The provisions of this article are regulatory in nature and not intended to be interpreted as zoning laws. The provisions of this article are severable and self-executing. This article is hereby declared necessary to preserve the public peace, health, safety and welfare of the people of the city, to advance the interests of the city and the good government and prosperity of the city and its inhabitants through the city's regularly constituted authority to pass all laws relating to its municipal concerns, to regulate occupations and trades in the city in accordance with state law, and to regulate marihuana facilities within the city pursuant to its authority to alter, amend or repeal any special act affecting any municipal concern.

(Amended 11-8-22)

SECTION 2 DEFINITIONS

(A) All definitions provided in the MMFLA are hereby incorporated by reference into this article, and the term "marijuana" shall be synonymous with the term "marihuana."

(B) "Business facility address" is defined as the singular United States postal address, for a building structure located atop a land parcel, where a marihuana facility is proposed to be located for a license type listed in an application to the city. The existing square footage of the enclosed building structure at the business facility address at the time of the application's submission shall solely be used for determining the square footage of the business facility address.

(C) "Business facility adjacent address" is defined as the singular United States postal address of a building structure which is physically adjoining or directly physically touching the building structure of a business facility address. Physically adjoining shall, for the purposes of this definition, refer to the physical connection through walls, adjacent walls, or a common building structure, though this definition shall not include any common road, foundation, or surface that the building structure sits on.

(D) "City" shall refer to the City of Clio.

(E) "City full license authorization" shall be defined as the full local approval that the City of Clio automatically grants a local applicant to operate a marihuana facility at a business facility address when the local applicant has received a state operating license pursuant to the MMFLA. A city full license authorization shall not be considered a municipal license.

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(F) "Clerk" is defined as the City Clerk of the City of Clio.

(G) "Council" is defined as the City Council of the City of Clio.

(H) "Land parcel" or "parcel" shall be defined as a land parcel, with an associated tax identification number allocated by the appropriate governmental body, whose official records are held by the Clerk, the register of deeds, or other appropriate governmental body, for the purposes of tracking the use of land within the city.

(I) "License type" is defined as a single category of a license that a local applicant can apply for, such as a provisioning center license, a grower license, or any other license that a local applicant can apply for through the processes set forth in this article.

(J) "Local applicant" is defined as an individual, entity, person, or persons who submits an application for a license type to the city.

(K) "MMFLA" is defined as the Medical Marihuana Facilities Act, 2016 PA 281, MCL 333.27101 et seq.

(L) "MMMA" is defined as the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 et seq.

(M) "MRTMA" is defined as the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 et seq.

(N) "Provisional license" is defined as a provisional local authorization issued by the city for a local applicant, contingent upon approval of a state operating license by the agency, to operate a marihuana facility at a business facility address, provided that the provisional license shall become a city full license authorization upon the local applicant receiving a state operating license pursuant to the MMFLA. A local applicant shall be prohibited from operating a marihuana facility without a state license issued by the agency.

(O) "Percentage occupancy" shall be defined as the occupancy percentage of a business facility address for the calendar year immediately prior to the application date or, if applicable, for the calendar year ending no earlier than three (3) months prior to the application date if the requirements of section 2(O)(4) are met, and shall consist of the occupancy percentage of any buildings, structures, or units contained within the parcel upon which the business facility address sits for the calendar year immediately prior to the application date. The percentage occupancy shall be calculated using the average square footage of any buildings, structures, or units contained within the parcel upon which the business facility address sits that is occupied during the calendar year immediately prior to the application date, utilizing a method determined by the City Clerk. The method of determining percentage occupancy shall be subject to the following requirements of this article:

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(1) Construction activity, renovation activity, or storage activity in the buildings, structures, or units contained within the parcel upon which the business facility address sits shall not be considered occupancy or counted as part of the percentage occupancy of a business facility address. However, storage units which are part of commercial storage businesses where rent is paid for the use of a storage space shall be considered occupancy and shall count towards percentage occupancy, and storage activity relating to inventory and/or equipment that pertains to the operation of a business or other organization that is otherwise occupying any buildings, structures, or units contained within the parcel upon which the business facility address sits shall be considered occupancy and shall count toward percentage occupancy.

(2) The determination of percentage occupancy shall require an occupancy affidavit and, if possible, provide supporting documentation attesting to the occupancy of any buildings, structures, or units contained within the parcel upon which the business facility address sits for the calendar year immediately prior to the application date, or, if applicable, for the calendar year ending no earlier than three (3) months prior to the application date if the requirements of section 2(O)(4) are met.

(3) For the purposes of issuing a provisional license, the city shall verify the percentage occupancy of the business facility address through an occupancy affidavit and, if possible, other supporting documentation which may include, but not be limited to, lease documents, purchase agreements, certificates of occupancy, utility bills, and other documentation that can show the occupancy level over the time period.

(4) Notwithstanding the requirements of this section, if a local applicant submits an occupancy affidavit that is dated no earlier than three (3) months prior to the application date attesting to the percentage occupancy of the business facility address, the local applicant will be deemed to meet the requirements of the "calendar year immediately prior to the application date" percentage occupancy definition.

(P) "Stand alone business facility address" is defined as a business facility address that does not have a business facility adjacent address and where the proposed business facility address is physically separated from areas where smoking or the use of cannabis is prohibited, not including the business facility address in question, and where smoke or the smell of cannabis does not infiltrate into nonsmoking areas or buildings that are not part of the business facility address.
(Amended 11-8-22)

SECTION 3 AUTHORIZATION OF MEDICAL MARIHUANA FACILITIES

(A) Pursuant to the MMFLA, the city shall immediately upon enactment of this article authorize the following number of marihuana facilities to operate within its boundaries:

- (1) Marihuana safety compliance facility - zero (0) licenses

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(2) Marihuana secure transporter - zero (0) licenses

(3) Marihuana provisioning center - two (2) licenses issued at a minimum, maximum of two (2) licenses allowed

(4) Marihuana processor - zero (0) licenses

(5) Class A marihuana grower - zero (0) licenses

(6) Class B marihuana grower - zero (0) licenses

(7) Class C marihuana grower - zero (0) licenses

(B) Within 30 days of the effective date of this article, the City Council shall enact all ordinances and resolutions necessary to facilitate operation of this article, but no ordinance or resolution shall limit or restrict the application of the provisions of this article.

(Amended 11-8-22)

SECTION 4 ADMINISTRATION OF MEDICAL MARIHUANA

The city shall be responsible for the administration and regulation of marihuana facilities within the city, subject to the laws of the state of Michigan and the provisions of the City Charter. The City Clerk shall be responsible for tasks associated with processing, scoring, and renewals of medical marihuana licensing in the city. The terms city and clerk and often used interchangeably in this article and the inclusion of one should not be interpreted to mean the exclusion of the other.

The city shall:

(A) Authorize marihuana facilities to operate between the hours of 9:00 am to 9:00 pm, Monday through Sunday, though any marihuana processor or grower facility may operate twenty-four (24) hours per day, seven (7) days per week.

(B) On the tenth day after the effective date of this article begin to accept applications for provisional licenses. This initial application window shall close at 5:00 pm on the tenth day after this opens. If the city fails to make an application form available upon the opening of this initial application window, local applicants may submit their own application entitled "marihuana facility application," which shall conform to the requirements of this article, to the City Clerk, who shall receive it. The City Clerk shall accept any and all "marihuana facility application(s)" submitted during the initial application window.

(C) Require an affidavit from all local applicants attesting to the veracity of their application at the time of the application's submission, and verify that the information contained within the applications submitted by all local applicants is true to the extent that such information can be verified by the city.

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This affidavit shall not be used to disqualify a local applicant with plans to engage in a joint venture with another entity or to potentially transfer a provisional license to another entity with at least equal qualifications to the local application.

(D) Charge an application fee no greater than one hundred dollars (\$100), and charge a fee no greater than five thousand dollars (\$5,000) for the renewal of either a provisional license or a city full license authorization. This article does not contemplate the city expending additional funds for the implementation of this article.

(E) Develop an application process for local applicants to apply for provisional licenses. This application process shall conform to and be limited to the following provisions of this article:

(1) Applications shall be scored using the following transparent scoring procedure. Only one license type can be scored per application. No more than one application per license type may be submitted for any business facility address. The following scoring procedure is intended to ensure the fair, just, and proper implementation of this article and to promote the general welfare of the city.

(2) Applications shall be scored on a scale from 0 to 100 points, with 100 being the highest possible score, using the following scoring procedure:

(i) Local applicant qualification: This category allocates points based on the degree to which the local applicant has been found qualified for licensure by the agency. A maximum of fifty (50) points may be awarded for this category. Points in this category shall be awarded as follows: if the local applicant holds a state operating license pursuant to the MMFLA or the MRTMA, fifty (50) points shall be awarded for this category; or, if the local applicant holds a state pre-qualification approval from the agency pursuant to the MMFLA or the MRTMA, thirty (30) points shall be awarded for this category. A local applicant can only earn points for either a state operating license or a state pre-qualification approval in this category. Documentation of state operating license or state pre-qualification approval must be provided in the local applicant's application at the time of the application's submission in order to be considered for scoring by the city.

(ii) Structural suitability: This category allocates points based on whether the business facility address is likely to be in compliance with the MMFLA, the time it will take for the business facility address to come into compliance with the MMFLA, the safety risk posed by building structures that are not well suited to operate as marihuana facilities, and the need to minimize the impact of marihuana facilities to surrounding businesses. A maximum of twenty (20) points may be awarded for this category. Points in this category shall be awarded as follows: if the business facility address is a stand alone business facility address at the time of the application's submission, ten (10) points shall be awarded toward this category. Whether the business facility address is a stand alone business facility address at the time of the application's submission shall be demonstrated by a site plan or preliminary sketch submitted by the local applicant, the accuracy of which shall, if possible, be verified by the Clerk.

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Further, if the application is for a provisioning center license type and the business facility address contains a minimum of two thousand (2,000) square feet and no more than seven thousand five hundred (7,500) square feet, ten (10) additional points shall be awarded toward this category, or if the application is for any other license type and the business facility address contains a minimum of five thousand (5,000) square feet, ten (10) additional points shall be awarded toward this category.

(iii) Commitment to community: This category allocates points based on the local applicant's commitment to advance the broader interest and goals of the community through investment in the people of the community and in the community's tax base. This is demonstrated through the following criteria: commitment to the hiring of local residents and hiring of local contractors for work and improvements to the business facility address, and its commitment to long-term investment in the community through the redevelopment of vacant, blighted, or abandoned property in the community. A maximum of thirty (30) points may be awarded for this category. Points in this category shall be awarded as follows: if the local applicant makes a commitment, conditional upon receiving a city full license authorization, to hiring a minimum of ten (10) percent of its employees from residents of the city, five (5) points shall be awarded toward this category. If the local applicant makes a commitment, conditional upon receiving a city full license authorization, to hiring local contractors for work and improvements to the business facility address, five (5) additional points shall be awarded toward this category. Points for long-term community investment and re-development in this category shall be awarded based on the percentage occupancy of the business facility address. If the business facility address has a percentage occupancy of zero (0) percent, the local applicant shall be awarded fifteen (15) additional points toward this category. If the business facility address has a percentage occupancy greater than zero percent and less than or equal to twenty-five (25) percent, the local applicant shall be awarded ten (10) additional points toward this category. If the business facility address has a percentage occupancy greater than twenty-five (25) percent and less than or equal to fifty (50) percent, the local applicant shall be awarded five (5) additional points toward this category. If the business facility address has a percentage occupancy greater than fifty (50) percent, the local applicant shall be awarded zero (0) additional points toward this category. If the business facility address consists of no commercially viable building structures or is a vacant land parcel, the local applicant shall be awarded zero (0) additional points toward this category. In addition, if the local applicant makes a legally binding commitment, conditional upon receiving a city full license authorization, to donate ten thousand dollars (\$10,000) per year to a community organization that provides food to food-insecure families who live within the municipality, five (5) additional points shall be awarded toward this category.

(iv) General regulatory compliance: A local applicant shall have forty (40) points subtracted from their application's score if, at the time of the application's submission, any of the following are true of the local applicant or any stakeholder with an ownership interest of greater than 10 percent in the local applicant or any entity in which a stakeholder with an ownership interest of greater than 10 percent in the local applicant has an ownership interest: (i) The aforementioned have entered into a "consent order and stipulation and formal complaint" or other disciplinary-related agreement with the agency related to the marihuana industry in Michigan; (ii) The aforementioned have been subject to any disciplinary action related to activity as a medical marihuana caregiver by any municipality or government agency in the state of Michigan or elsewhere; (iii) The aforementioned have been subject to any disciplinary

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action related to activity concerning a controlled substance or marihuana product in Michigan, including alcohol or cigarettes, in the state or Michigan or elsewhere; or (iv) Multiple marihuana products produced by the aforementioned have been recalled by the agency as a result of gross negligence or willful misconduct on the part of the aforementioned. The local applicant shall provide information concerning all of these provisions in its application. The local applicant shall also provide information in its application concerning the locations of any caregiver activities owned by the local applicant or any stakeholder with an ownership interest of greater than 10 percent in the local applicant or any entity in which a stakeholder with an ownership interest of greater than 10 percent in the sworn attestations from the municipalities in which any such caregiver activities have operated stating that such caregiver activities have been in compliance with all municipal regulations.

(3) The city shall sum the points awarded to local applicants, and, if applicable, subtract points from, each application submitted within the initial application window and award provisional licenses to the local applicants who are awarded the highest number of points. In the event of a tie in the scoring for two or more provisional license applications, the city shall hold a lottery, which shall be made open to the public, as a tiebreaker to decide among such local applicants.

(4) Applications shall include documentation of ownership, lease agreement, or other legal arrangement permitting the local applicant to apply for a license or any and all municipal permits or approvals needed for the business facility address at the time of the application's submission pursuant to the terms of this article.

(5) Applications shall include a sworn oath from an authorized representative of the local applicant stating that all information contained within the application true to the best of their knowledge and that they have the authority to apply for a license type at the business facility address.

(6) Applications shall include an affidavit affirming and attesting that neither the local applicant nor any stakeholder of the local applicant is in default to the city.

(7) Applications shall include the full name, date of birth, physical address, email address, and telephone number of the local applicant in the case of an individual, or, in the case of an entity, all stakeholders with an ownership interest of greater than 10 percent in the local applicant.

(8) All applications for provisional licenses submitted during the initial application window for a business facility address shall be considered and scored.

(F) Review and score all applications submitted according to the requirements herein within a thirty day period after the close of the initial application window. Upon the thirty-first day after the closing of the initial application window, the city shall award provisional licenses to local applicants in order from highest-scoring to lowest-scoring applications. If no provisional licenses are awarded upon the thirty-first day after the closing of the initial application window, all local applicants who submitted provisional license applications during the initial application window pursuant to the requirements herein

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shall have the ability to operate by right conditional upon receiving a license from the agency to operate at the business facility address, beginning on the thirty-second day after the closing of the initial application window. No application materials shall be subject to the Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq, except as required by state law.

(1) Licensees or provisional license holders or city full license authorization holders may transfer a city full license authorization or provisional license to a location at a different business facility address upon receiving written approval from the city which shall not be withheld unless the new proposed business facility address would be in violation of a local zoning ordinance. In order to request city approval to transfer a city full license authorization or provisional license to a new business facility address, the licensee or provisional license holder or city full license authorization holder must make a written request to the city, indicating the current location of the marihuana facility provisional license or city full license authorization and the new proposed business facility address. The city must respond to a location transfer request within five (5) days of receipt of the request.

(2) Licensees or provisional license holders or city full license authorization holders may transfer a city full license authorization or provisional license to a different individual or entity, and the licensee or city full license authorization holder or provisional license holder shall notify the city of the transfer. The transfer shall not require approval by the agency or the Clerk. The city shall be prohibited from interfering with such transfers provided that the new owner notify the city of the transfer by filing an application with the city upon a form provided by the city or, if such a form unavailable, submitting the same information required for an application for the transferred marihuana facility provisional license and filing such information with the city. In either case, the city shall respond to such a transfer request within five (5) days of receipt of the request. The city shall grant the new licensee or provisional license holder or city full license authorization holder the same rights as the previous licensee or city full license authorization holder or provisional license holder.

(3) A provisional license and a city full license authorization shall each be considered a vested property right by the city and treated as such, and may not be revoked unless the accompanying state operating license issued by the agency for the license type at the business facility address is permanently revoked (not suspended) by the agency. Provisional licenses shall be valid for one (1) calendar year from the date they are issued. A provisional license or city full license authorization shall automatically be renewed each year for one (1) calendar year, and such renewals may occur in perpetuity. Each local applicant shall pay a five thousand dollar (\$5,000) annual renewal fee, which may occur in perpetuity, and neither a provisional license renewal nor a city full license authorization renewal may be denied for failure to promptly pay an annual renewal fee.

(4) In any circumstance in which the city has refused to issue a provisional license or city full license authorization or grant renewal of a provisional license or city full license authorization, or has revoked a city full license authorization, the city shall notify the local applicant or provisional license holder or licensee or city full license authorization holder of the reasons for denial, suspension or nonrenewal of an application for a license type or of a city full license authorization renewal or for revocation of a provisional license or city full license authorization or any adverse decision under this

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article and shall provide the local applicant or licensee or city full license authorization holder or provisional license holder with the opportunity to be heard. Any local applicant or licensee or city full license authorization holder or provisional license holder aggrieved by any such denial, suspension, or revocation or any other adverse decision under this article may appeal to the city, who shall appoint a Hearing Officer to hear and evaluate the appeal and make a recommendation to the city. Such an appeal shall be taken by filing with the city, within ten (10) days after notice of the denial, suspension, revocation or other adverse decision has been mailed to the last known address of the local applicant or licensee or provisional license holder or city full license authorization holder on the records of the city, a written statement setting forth fully the grounds for such appeal. The city shall review the report and recommendation of the Hearing Officer and make a decision on the matter within ten (10) days upon such time, the city's decision may not be further appealed with the city and any decision by the Council on an appeal shall be subject to all remedies available to the local applicant or licensee or provisional license holder or city full license authorization holder under the laws of the state of Michigan.
(Amended 11-8-22)

SECTION 5 REPEALER

Any other provision or provisions of articles, city regulations, city resolutions and ordinances that conflict , with this article are inapplicable to conduct authorized under this article. The City Council shall pass all ordinances, regulations, and resolutions necessary to give full effect to this article.
(Amended 11-8-22)

SECTION 6 EFFECTIVE DATE

This article shall become effective immediately upon certification by the Genesee County Board of Canvassers or the appropriate controlling body for the certification of election results under state law.
(Amended 11-8-22)

SECTION 7 SEVERABILITY AND EXECUTION

The various parts, sections and clauses of this article are hereby declared to be severable and self-executing. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid as to any person or circumstance by a court of competent jurisdiction, the remainder of the article shall not be affected thereby and that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this article. Other articles may be enacted to facilitate operation of this article. The city shall zealously advocate for and defend this article from any and all legal challenges and shall use best efforts to defend this article from any and all legal challenges that may arise. This subsection shall be liberally construed in favor of voters' rights in order to effectuate its purpose. If any portion of this subsection is held to be invalid or unenforceable as to any person or circumstance, that invalidity or unenforceability shall not affect the validity, enforceability, or application of any other portion of this article.
(Amended 11-8-22)

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