

**Section 3.3 Appointment of Temporary Justice of the Peace.**

In the event that the Justice of the Peace is unable because of illness or other cause to perform his or her duties for a period of more than fifteen (15) days, the Council may appoint a person to act as Justice of the Peace during the temporary disability of the regular Justice of the Peace.

**Section 3.4 Removals in General; Recalls.**

Any officer elected under this Charter may be removed in accordance with the general laws of the State of Michigan or by his or her recall in accordance with the provisions of this Charter.

**ARTICLE IV****COUNCIL****Section 4.1 Number, Selection and Term.**

The Council shall consist of seven (7) members elected from the City at large in the manner provided in Article II, for a term of three (3) years, except as provided in Section 20.2 hereof, or until their successors have been elected and qualified as provided in this Charter.

**Section 4.2 Powers.**

The Council shall constitute the legislative and governing body of the City, possessing all the powers herein provided for, with power and authority to pass such ordinances and adopt such resolutions as it shall deem necessary and proper in order to exercise any or all of the powers possessed by the City, and for the public peace, health and safety of persons and property.

**Section 4.3 Mayor as Presiding Officer; Mayor Pro-Tem.**

The Mayor of the City of Negaunee shall be elected from the City at large. He or she shall preside at meetings of the Council and shall be the head of the City government for all ceremonial purposes and for purposes of military law, but shall have no regular administrative duties. The Mayor Pro-Tem shall be elected from the City at large. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and if a vacancy occurs shall become Mayor for the completion of the unexpired term. The Mayor and Mayor Pro-Tem may speak and vote in meetings the same as any other member of the Council, but shall not have the power of veto. At each general City election commencing with the November, 1992, election, only those Councilmembers whose terms do not expire immediately following this election, and no other persons, may be candidates for the office of Mayor. The candidate receiving the most votes shall become Mayor for a term not to exceed two years. The candidate receiving the next highest number of votes for Mayor shall be the Mayor Pro-Tem for a term not to exceed two years. (Amended November 5, 1991)

**Section 4.4 Compensation.**

Each member of the Council shall be compensated quarterly at the rate of six dollars (\$6.00) per meeting attended of which minutes are kept and duly entered in the Journal, but not to exceed one hundred fifty dollars (\$150.00) per year. The Mayor shall be compensated quarterly at the rate of fifty dollars (\$50.00) per year over and above his or her compensation as a Councilmember.

**Section 4.5 Term Limits.**

Councilmembers are hereby limited to serve two (2) consecutive terms upon the Council.

(Adopted November 5, 1991)

**ARTICLE V****LEGISLATION****Section 5.1 Organization of City Council.**

The members of the Council shall take office on the first day of December following their election and the Council shall annually hold its organizational meeting at 7:30 p.m. at the first regular meeting following the first day of December, as provided in Section 5.2.

(Amended November 5, 1985; November 5, 1991)

**Section 5.2 Regular Meetings of City Council.**

Regular meetings of the City Council shall be held at least once per month at the usual place of holding meetings of the City Council, at such times as the City Council shall by resolution prescribe.

(Amended November 5, 1985)

**Section 5.3 Special Meetings of City Council.**

Special meetings shall be called by the City Clerk on written request of the Mayor, the City Manager or any three (3) Councilmembers. At least six (6) hours written notice shall be given to each Councilmember. Such notice shall contain a statement of the purpose of such meeting, such notice shall be delivered to each Councilmember personally. If this is not possible, then it shall be delivered to some responsible person at his or her residence. If this is not possible, then it must be left at his or her residence in some conspicuous place. Any special meeting shall be a legal meeting for all purposes without such notice, provided that all Councilmembers are present thereat or have waived notice thereof in writing, as to the purpose of said meeting not included in the notice thereof.

**Section 5.4 Quorums; Conflicts of Interest.**

A majority of the Council shall be a quorum for the transaction of business. The Council may, by a majority vote of those present, compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein. No Councilmember shall vote on any question in which he or she has any financial interest other than the common public interest, but on all other questions every Councilmember present shall be entitled to vote. On all votes which are not unanimous, the yea or nay vote of each member shall be recorded by roll call, but where the vote is unanimous, it shall be necessary to so state. However, all members of the Council who are absent shall be so listed in the minutes of the meeting.

**Section 5.5 Limitations on Power of the City Council.**

No office shall be created or abolished, expenditures authorized, taxes or assessments imposed, contract approved, franchise granted, street, alley or public grounds vacated, real estate or interest therein acquired, sold or disposed of, nor any private property taken for public use, unless a majority of the Council-elect shall vote in favor of the same, except as herein provided by the use of initiative and referendum. No action of the Council shall be rescinded or reconsidered at a special meeting, unless there be present as many members as were present when such action was taken.

**Section 5.6 Rules of Procedure; Journal; Minutes.**

The Council shall determine its own rules and order of business and shall keep a journal of its proceedings in the English language, which journal shall be signed by the City Clerk. It is required that the minutes of the preceding regular meeting and any special meetings held in the interim shall be reviewed, corrected, if necessary, and approved at the next succeeding regular meeting. All regular and special meetings of the Council shall be open to the public. There shall be no standing committees of the Council. (Amended November 2, 1982)

**Section 5.7 Publishing of Notices and Proceedings.**

A summary of the proceedings of every meeting of the Council shall be prepared by the City Clerk and published in a newspaper to be designated by the Council. Any special publication of ordinances or notices requiring City-wide attention shall be published in such manner as the Council shall arrange.

**Section 5.8 Adoption by Ordinance or Resolution; Definition of Resolution.**

The Council shall act only by ordinance or resolution. The word "resolution," as used in this Charter, shall be an official action 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 law and to matters pertaining to the internal affairs or concerns of the City government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance.



**Section 5.9 Ordinance Enactment.**

Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Negaunee ordains." The effective date of an ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and enactment of an ordinance or an amendment to an ordinance. Enactment shall require the affirmative vote of a majority of the Council-elect and the effective date shall not be earlier than ten (10) days after enactment, except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than five (5) Councilmembers. No ordinance shall be amended or repealed in part by reference to its title only, but the section or sections amended or repealed shall be enacted in full or specifically designated, except that an ordinance may be repealed in its entirety with reference to its number and title only. No ordinance shall be repealed in part or in whole or shall be amended except by the affirmative vote of a majority of the Council elect.

**Section 5.10 Record of Ordinances.**

All ordinances, the dates of introduction and enactment thereof and the vote thereon shall be recorded by the City Clerk in a book to be called "the Ordinance Book", and it shall be the duty of the Mayor and the City Clerk to authenticate such record by their official signatures. Except as otherwise provided by this Charter, all ordinances when enacted shall be forthwith published by the City Clerk at least twice in a newspaper having general circulation in the City of Negaunee and he or she shall enter his or her certificate as to the manner and date of publication under each ordinance in the Ordinance Book.

**Section 5.11 Compilation of Ordinances.**

The Council shall order a general compilation of ordinances within two (2) years from the date this Charter is adopted by the electors and every two (2) years thereafter. In addition to the copies needed for official use there shall be printed such additional copies as shall be deemed necessary in the discretion of the Council for public distribution. Such compilation, when completed, shall be approved by appropriate resolution of the Council. It shall be the duty of the Council, prior to any general compilation, to revise, amend or repeal any ordinance or part of any ordinance that may have become obsolete, impractical, inadequate or unenforceable for any reason whatsoever.

(Amended November 3, 1970)

**Section 5.12 Adoption of Technical Codes.**

The Council may adopt by ordinance any provision of State law or any detailed technical regulations as 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 or recognized official or unofficial standard code shall be clearly identified in the ordinance to be adopted. When any such provision of State law or code is so adopted, publication of the ordinance shall be made as provided by this Charter. The Council may publish such provisions of State law or code in booklet form, available to the public at cost. Any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

**Section 5.13 Penalties.**

In the enactment of any ordinance the Council may provide for the punishment of any person or persons violating the same, provided, however, that the violation of any ordinance shall be deemed a misdemeanor and shall be punishable by imprisonment in the County Jail for not more than ninety (90) days or by a fine of not more than one hundred dollars (\$100.00), or by both such fine and imprisonment, in the discretion of the court.

**Section 5.14 Prior Legislation and Contracts.**

All by-laws, ordinances, contracts, franchises, resolutions, rules and regulations of the City, not inconsistent with this Charter, in force at the time this Charter becomes effective, shall continue in full force until repealed or amended by action of the proper authorities.

**Section 5.15 Establishment of Special Zones or Districts by Ordinance.**

The Council may, by ordinance, provide for the establishment of districts or zones within which the use of land and structures, the height, area, 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, provided that such regulations in one (1) or more districts may differ from those in other districts.

**Section 5.16 Occupancy of Trailer Homes.**

The use or occupancy of trailers as homes or living quarters within the corporate limits of the City is hereby expressly prohibited unless the Council in its discretion shall adopt an ordinance permitting and regulating the use or occupancy of trailers as temporary or permanent homes or living quarters.

**Section 5.17 Initiative and Referendum.**

All powers herein vested in the City of Negaunee under this Charter may be exercised by the use of the initiative and referendum, and any official elected under this Charter may be recalled by the use of the initiative as hereinafter provided, except that only elective officials may be recalled.

(a) All initiatory and referendary proceedings shall originate by a petition and an initiatory or a referendary petition shall be signed by registered qualified electors of the City in number equal to twenty-five percent (25%) of the highest vote cast for any Councilmember at the last regular City election prior to the filing of the petition. No such petition need be on one sheet of paper, but may be the aggregate of two or more sheets of paper. Each signer of a petition shall sign his or her name in ink or pencil and shall place thereon, after his or her name, the date and his or her place of residence by street and number, or by other customary designation. To each sheet of such petition 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. Any such petition shall be filed with the City Clerk who shall, within ten (10) days, determine the sufficiency thereof and so certify. If found to contain an insufficient number of qualified electors of the City, or to be improper as to form or compliance with the provisions of this section, then ten (10) days shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the City Clerk shall present the petition to the Council, at its next regular meeting.

(b) Upon receiving a certified initiatory or referendary petition from the City Clerk, the Council shall, within thirty (30) days, either:

- (1) If it be an initiatory petition, adopt the ordinance or resolution;
- (2) If it be a referendary petition, repeal the ordinance or resolution; or
- (3) In either case, determine to submit the proposal to the electors.

However, upon the certification of an initiatory petition providing for the recall of any elective official, it shall be the duty of the Council to submit such proposal to the electors, as herein provided. The result of the submission to the electors of any proposal herein provided for shall be determined by a majority vote of the electors voting thereon, except in cases otherwise required by law or this Charter.

(c) Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose or, in the discretion of the Council, at a special election.

(d) Any ordinance or resolution adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years thereafter, and any ordinance or resolution repealed by the electorate through referendary proceedings may not be readopted in substance by the Council for a period of two (2) years thereafter. Any elective official recalled by the procedure herein provided for shall be ineligible to be a candidate for any Municipal office for at least a year after the date of the election resulting in his or her recall.



(e) The use of the initiative and referendum as herein provided shall not alter, affect or impair contractual rights of persons or parties dealing with the City, vested at the time of the filing of any initiatory or referendary petition. However, any ordinance or resolution, including those purporting to vest any contractual rights in any persons or parties dealing with the City, shall be automatically suspended by the filing with the City Clerk, within twenty (20) days after the enactment of such ordinance or resolution, of a referendary petition relating to such ordinance or resolution as herein provided, and such ordinance or resolution shall continue suspended until repealed by the Council or final determination by the electors, as the case may be.

## **ARTICLE VI**

### **ADMINISTRATIVE SERVICE**

#### **Section 6.1 Administrative Officers in General.**

The administrative officers of the City shall be the City Manager, City Clerk, City Treasurer, City Assessor, City Attorney, City Engineer, Chief of Police, Chief of the Fire Department, Librarian and Health Officer.

#### **Section 6.2 City Manager; Appointment; Residency Requirement.**

The Council shall appoint a City Manager for an indefinite term. He or she shall be appointed by the affirmative vote of at least a majority of the Council-elect. Such City Manager shall be the Chief Administrative Officer of the City and shall hold office at the pleasure of the Council. He or she shall be selected on the basis of fitness and ability without regard to his or her political or religious preferences and shall have had training and experience in municipal administration and actual experience as a City Manager. He or she need not be a resident of the City or the State at the time of his or her appointment, but he or she must be a citizen of the United States and shall reside in the City of Negaunee during his or her term of office. During the absence or disability of the City Manager, or in the event of a vacancy in that office, the Council shall designate some properly qualified person to execute the functions of that office during the period of such absence or disability or until the vacancy has been filled. The first City Manager under this Charter shall be appointed by the Council on or before December 1, 1950. Upon the resignation or removal of the City Manager the vacancy in such office shall be filled by the Council within six (6) months of the effective date of such resignation or removal. No member of the Council shall be eligible for appointment as City Manager or Acting City Manager until two (2) years subsequent to the termination of his or her service on the Council.