

Introduction of water into the village and for supplying the village and the inhabitants thereof with pure and wholesome water; also for the extinguishment of fire, the ordinary and extraordinary uses of the inhabitants thereof, and for such other purposes as the commission may prescribe and either independently or in connection with the waterworks and either within or without the Village; to erect and maintain works for the purpose of supplying such village and the inhabitants thereof, or either, with gas, electric or other lights, heat, power, bus service or transportation.

May Acquire Grounds, Etc.

Section 2. Said Village may so acquire and maintain and operate such reservoirs, aqueducts, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes, poles, lines, wires and conduits and other apparatus, appurtenances, equipment, appliances and machinery, and may so acquire and own such grounds, real estate, rights and privileges as may be necessary, convenient, or proper for the carrying out of the powers in the preceding paragraph conferred.

Declare Expediency of Purchase, etc., by Resolution

Section 3. Whenever the Commission of the Village shall, by resolution, declare that it is expedient for said Village to acquire in any manner, works for the purpose of supplying said village and inhabitants thereof, or either, with water, gas, electric or other lights, with heat or with power, then the Commission shall have power to take such action as shall be deemed expedient to accomplish such purpose.

Submission of Question to Electors

Section 4. In case the Commission shall declare that it is expedient for said Village to acquire by purchase or to construct or extend, as the case may be, works for the purpose of supplying said village and the inhabitants thereof, or either, with any of the utilities aforesaid, then the Commission shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of acquiring, constructing or extending such utility shall be submitted to the electors of the village at its regular election, or at a special election called for that purpose in this charter, and if such question shall receive the affirmative vote of three-fifths of the electors voting at such election by ballot the Commission may then proceed in any manner authorized by this charter. The question of raising the money required for such purpose by borrowing and issuing the bonds of the village therefor, may be submitted at the same time, either as an independent question, or as part of the same question.

Connecting Pipes

Section 5. The connecting or supplying pipes, cables, wires, lines or conduits leading from buildings or yards to the distributing pipes, cables, wires, lines or conduits, shall be constructed and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe, cable, wire, line or conduit until a permit therefor shall be obtained from the officers directed by the Commission. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

Rates

Section 6. The Commission shall establish a uniform schedule of rates and make such rules and regulations for the use of water and the payment therefor as may be deemed expedient, and may from time to time, either modify, amend, increase or diminish such rates; and the Commission may prescribe by ordinance, when and to whom such water rates shall be paid, and what steps shall be taken to enforce payment thereof, and may provide, in case of non-payment that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make such payment. Unpaid charges for the use of water upon any property within the village shall be a lien upon said property.

The Commission shall have the power to fix such just and equitable rates as it may deem advisable for supplying the inhabitants of such village with light, heat or power. The Commission may, by ordinance or resolution, provide for the sale and delivery of water, heat, power and light, without the corporate limits of the village to an amount not to exceed twenty-five per cent of that furnished by the Village within the corporate limits.

Care and Control of Utility

Section 7. The Commission may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of any such utility, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this charter, and the powers herein conferred in respect to any such utility.

Use of Utility

Section 8. The Commission may enact such ordinances and adopt such resolutions as may be necessary for the care and control the taking and use of water, heat, light or power by such utility.

Utility—Where Located

Section 9. When the Commission shall deem it for the public interest, any such utility may be beyond the corporate limits of the Village; and in such case the Commission shall have authority to enforce, beyond the corporate limits of the Village and over the buildings, machinery and other property belonging to and connected with such utility, in the same manner and to the same extent as if they, or it, were within the Village. All such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

May Use Streets and Roads in County

Section 10. For the purpose of operating or constructing and maintaining such water works, the Village shall have the right to use the ground or soil under any street, highway or road within the county, for the purpose of introducing water into and through any and all portions of the village, on condition that it shall cause the surface of such street, highway or road to be relaid and restored to its usual state without unnecessary delay and any damage done thereto to be repaired, and such right shall be con-

tinuous for the purpose of repairing and relaying water pipes upon like conditions.

The intention hereof is to adopt Section 2772 of the Compiled Laws of Michigan, 1915, as a part of this charter.

Commission May Contract

Section 11. The Commission may contract from year to year, with any person or persons, or with any duly authorized corporation, for the supplying of the Village and the inhabitants thereof with water, light, heat or power, upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to use of the streets, alleys and public grounds of such Village as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of such service for the use of the Village and the inhabitants thereof, upon the terms and conditions specified in such contracts. A contract for a period of time not exceeding ten years may be made if submitted and approved in accordance with Section 2 of Chapter XVI of this charter.

CHAPTER XIV.

Appropriation of Private Property for What Appropriated

Section 1. Private property may be taken and appropriated for public use for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, tunnels, subways, for public buildings and for other public structures; for public grounds, parks, market places and spaces; for the improvement of water courses; for sewers, drains and ditches; for the disposal of sewage and garbage; for public hospitals, pest houses and quarantine grounds; for water works or system or heat, power or light plant or system; and for any and all other lawful and necessary public uses in connection with which the Village is expressly or by implication authorized to acquire, own or hold property.

How Appropriated

Section 2. If it shall become necessary to take and appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the village in the manner and with like effect as provided by the general laws of this state relating to the taking of private property for public use in cities and villages, including Act 176 of the Public Acts of 1903 and the acts amendatory thereof and supplemental thereto.

Duty of Village Clerk

Section 3. If a verdict and judgment in any such proceeding shall be rendered in favor of the Village, either by a Justice of the Peace or in the Circuit Court, and the same shall become final, it shall be the duty of the Village Clerk to procure copies of the judgment of the Circuit Court or of the Justice of the Peace as well as of the verdict of the jury, and the same shall be recorded in a book of records to be kept by him; and the docket of such Justice, or the judgment of said Circuit Court, as well as the book of records of such proceedings kept by said Clerk, or certified copies thereof, shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired.

Assessment of Costs and Expenses.

Section 4. After the recording by the Village Clerk of the final judgment and verdict as provided for in the last preceding section the proper and necessary proceedings in due course may be taken by the Village Commission for the collection of the sum or sums awarded by the jury. If the Commission believe that a portion of the Village in the vicinity of the proposed improvement will be benefited by such improvement, they may, by the entry in their minutes, determine, subject to the limitations as to amount in Section 1, Chapter XI, that the whole or any just proportion of the compensation awarded by the jury, and the costs and expenses incurred in connection with the proceedings, shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the Village benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. In determining the amount of such costs and expenses the Commission may include all costs and expenses incurred or paid for jurors' fees, expenses of abstracts, surveys, maps and all other necessary expenses. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which each such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided for in and by this charter, for assessing, levying and collecting the expense of other public improvements. The assessment roll containing said assessments when ratified and confirmed by the Commission shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation costs and expenses shall not be raised in the manner herein provided shall be assessed, levied and collected generally upon the taxable real estate of the village, the same as other general taxes are assessed and collected therein. At any sale of assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the Village may become a purchaser.

Possession of Property—When May Be Had

Section 5. Within one year after the judgment in said cause shall become final the Commission shall set apart and cause to be provided in the treasury, the amount required to make compensation to the owners and persons interested for the private property taken as awarded by the jury and shall in the resolution set apart and cause to be provided in the treasury, the amount required to make

compensation to the owners and persons interested for the private property taken as awarded by the jury, and shall in the resolution setting apart and providing said sum, direct the Village to pay to the persons respectively entitled to the money so set apart and provided, his or her proportions, ascertained and awarded by said verdict. And it shall be the duty of the treasurer to securely hold such money in the treasury for the purpose of paying for the property taken, and pay the same to the persons entitled thereto according to the verdict on demand, and not pay out the money for any other purpose whatever. The Commission may provide the necessary amount by borrowing from any other money or fund in the treasury and repay the same from money raised to pay the compensation awarded by the jury, when collected, or otherwise; as they may provide. Whenever the necessary sum is actually in the treasury for such purpose, the treasurer shall make and sign duplicate certificates verified by his oath, showing that the amount of compensation awarded by the jury is actually in the treasury for payment of the private property taken in the case, giving the title of the same. He shall cause one of the certificates to be filed in the office of the justice before whom such proceedings were had, or his successor, or in the office of the Clerk of the Court in which the proceedings were had, and the other to be filed with the Village Clerk, which certificates shall be prima facie evidence of the matters therein stated. Whenever the amount of such compensation is so held in the treasury, the Commission may enter upon and take possession of and use such private property for the purposes for which it was taken and may remove all buildings, fences and other obstructions therefrom. In case of resistance or refusal on the part of the person in possession of such private property to deliver up possession after the amount of the compensation aforesaid is actually in the treasury ready to be paid to those entitled thereto, the Commission, by the Village Attorney, may apply to the justice or other proper court and shall be entitled, on making a proper showing, to a writ of assistance to put them in possession of the property.

Salvage of Buildings and Structures Acquired

Section 6. In case there is no private property taken a building or other structure, the same shall be sold by or under the direction of the commission; the amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the Commission shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

May Acquire By Negotiation and Purchase

Section 7. The Village may also obtain private property for any of the public uses herein specified by negotiation and purchase.

CHAPTER XV.

INITIATIVE AND REFERENDUM Ordinances—Proposal and Protest

Section 1. An ordinance may be proposed to the Commission or an ordinance already adopted by the Commission protested against by petition filed with the Village Clerk signed by the qualified electors of the village, equal in number to the percentage hereinafter required. To each signature shall be attached the place of residence of the elector signing. Such signatures need not all be on one paper. An affidavit thereto shall be made by one or more qualified registered electors of the village that each signature appended to the paper is the signature of the person whose name it purports to be. All such petitions for or against (as the case may be) any one ordinance shall be fastened together and filed as one instrument, with the personal endorsements thereon of the names and addresses of three qualified electors designated as filing the same. A petition protesting against an ordinance must be filed before such ordinance goes into effect and when so filed shall suspend the operation of such ordinance until action shall be had on such petition or the same shall be abandoned—all as provided for in this charter.

Ordinances—How Disposed Of

Section 2. If the petition proposing or protesting against an ordinance purports to be signed by qualified electors equal in number to at least 25 per centum of the entire vote cast for all candidates for President of the village at the last preceding regular election at which a President was elected, and contains a request that said ordinance be submitted to a vote of the electors, the Village Clerk shall thereupon ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of qualified electors, and shall attach thereto his certificate showing the result of such examination.

Section 3. If such certificate shows the required number of qualified signers, the Commission shall within 21 days thereafter either

(a) if said petition propose an ordinance, pass the same without alterations (subject to the referendum provided by this charter), or if such petition protest against an ordinance, repeal the same entirely or amend the same as may be indicated in such petition; or

(b) call, subject to the limitation in section 10 of this charter, a special election, to be held within 30 days, unless a general or special municipal election is to be held within four months thereafter, and at such annual or special municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the Village.

Procedure When Petition Insufficient

Section 4. If the certificate of the clerk shows the petition to be insufficient, he shall within seven days after same was filed cause notice in writing to be served upon one or more of the persons designated on the petition, as filing the same; additional signatures properly verified may be filed at any time within seven days after the giving of such notice. The village clerk shall, within seven days after such re-filing, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient the petition shall be deemed to have been abandoned. Such abandonment in the case of a petition proposing an ordinance shall be without

prejudice to the filing of a new petition for the same purpose, but in the case of a petition protesting against an ordinance, the ordinance shall thereupon come into effect and may not be again protested against.

When To Be Submitted to Regular Election

Section 5. If a petition proposing an ordinance (but not a petition protesting against) be signed by qualified electors equal in number to at least 10 per centum but less than 25 per centum of the entire vote cast for all candidates for president at the last preceding election at which a president was elected, as shown in the manner hereinafter provided, and said proposed ordinance be not passed without alteration by the Commission within 21 days as provided in the preceding section, then such proposed ordinance, without alteration, shall be submitted by the Commission to electoral vote at the next municipal election that shall occur at any time after thirty days from the date of the village clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

Commission May Submit Proposed Ordinances to Electors

Section 6. The Commission may of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election called for some other purpose, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as provided in this article for submission on petition. If the provisions of two or more proposed ordinances or measures, adopted or approved at the same election, are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

Publishing Notices

Section 7. Whenever any proposed ordinance is required by this charter to be submitted to the voters of the Village at any election, the commission shall cause it to be published in a newspaper of general circulation in the village, designated by the commission, at least once after notice of the election shall have been given as provided in Section 5, of Chapter IV of this charter and at least three days before the day of such election, or in their discretion may cause a printed copy to be mailed or to be delivered to each registered elector within the same time.

Ballots—Wording On

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

Ballot—What to Contain

Section 9. Provision shall be made on each ballot for voting upon all proposed ordinances submitted at that election.

Special Elections—How Often May Be Held

Section 10. There shall not be held under this charter more than two special elections in any one year.

Amending or Repealing Ordinances

Section 11. Any ordinance granting a franchise adopted under this charter by electoral vote, cannot be repealed or amended except by electoral vote. Any other ordinance so adopted may be repealed or amended at any time after one year from the time the same shall have become effective by unanimous vote of the full membership of the Commission.

Regulations May Be Adopted By Commission

Section 12. The Commission may by ordinance, make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this charter.

Expense on Franchise Election to Be Paid in Advance By Grantee

Section 13. No franchise, grant or license shall be submitted under the provisions of this charter to the electors at a special election, unless the expense of holding the election, as determined by the commission, shall be paid in advance by the grantee in said franchise, grant or license to the Village Treasurer.

CHAPTER XVI

Franchises, Contracts and Public Utilities Term For Which May Be Granted

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

Franchise and Contract to Be Submitted to Electors

Section 2. No franchise or grant, which is not revocable at the will of the Commission; shall be granted or become operative nor contract for a longer term than one year made, until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths of the electors voting thereon at such election.

No Exclusive Franchise to Be Granted

Section 3. No person, firm or corporation shall ever be granted any exclusive franchise, license, right or privilege whatever. No franchise or contract shall be renewed before one year prior to its expiration.

Leasing and Assigning of Franchises

Section 4. No franchise granted by the village shall ever be leased, assigned, or otherwise alienated except in accordance with the express provisions of said franchise and all franchises granted by the Village shall provide how, and in what manner, and under what conditions said franchise may be leased, assigned or alienated, and no dealing with the lessee or assignee on the part of the village which shall recognize the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to have operated as such consent.

Change or Modification—How Made

Section 5. No change or modification of any franchise or grant of rights or powers to any corporation, firm, person or association of persons, shall be made except in the manner and subject to all the conditions herein provided for, for the making of original grants and franchises.

License Fees—What May Be Taxed

Section 6. The village shall have the right to license (Continued to Section 3, Page 9)