requirements of this Charter and of law, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within three days after 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 his respective elective city office by this charter and shall write his determinations thereof on the face of the petition.

The Clerk shall immediately notify in writing the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 P.M. on the fifteenth day after such time on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

Public Inspection of Petitions:

Section 4.12. All nomination petitions filed shall be open to public inspection in the office of the Clerk.

Election Commission:

Section 4.13. An Election Commission is hereby created, consisting of the Clerk, the Attorney and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission, such member to be appointed by the Council not less than fifteen days before such election. The members shall serve without compensation. The Clerk shall be chairman. The Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Form of Ballot:

Section 4.14. The form, printing and numbering of ballots or the preparation of any voting machines used in any city election shall conform as nearly as may be to the provisions of state election law. No party designation or emblem shall appear. In all city elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

Canvass of Votes:

Section 4.15. The Clerk and the members of the Council shall be the board of canvassers to canvass the votes at all city elections, except that if any such persons are candidates for office at the election to be canvassed such person shall not serve as a canvasser at such election. The board of canvassers shall convene on the day following each city election at the usual time and place of meeting of the Council and determine the results of the city election upon each question and proposition voted upon and which persons are duly elected to the several offices respectively at said election, and shall notify in writing the successful candidates of their election. The Clerk shall make under the corporate seal of the city duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his own office.

Tie Vote:

Section 4.16. If, at any city election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the Council 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 statute.

Recount:

Section 4.17. A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with state election statutes. Unless otherwise required by statute (a) the petition for a recount of the votes cast at any city election shall be filed with the Clerk by 5:00 P.M. on the second full day on which the Clerk's office is open for business after the board of canvassers has made the official report of the result of the election at which such votes were cast, (b) any counter petition shall be filed by 5:00 P.M. on the next full day thereafter on which the Clerk's office is open for business and (c) no officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

Recall:

Section 4.18. Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter and by statute.

CHAPTER 5

GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Eligibility for Office in City:

Section 5.1. No person shall hold any elective office of the city unless he has been a resident of the territory incorporated as the city for at least two years immediately prior to the last day for filing nominating petitions for such office or prior to the time of his appointment to fill a vacancy.

All officers of the city shall be United States citizens.

No person shall hold any elective office unless he is a qualified and registered elector of the city on such last day for filing or at such time of appointment and throughout his tenure of office.

The Justice of the Peace shall, in addition, have the qualifications for that office prescribed in Section 16.2.

Each member of a city board or commission shall have been a resident of the territory incorporated as the city for at least two years prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

No elective officer may be appointed to any city office or be employed by the city during the term of office for which he was elected.

No person shall be eligible for any elective or appointive city 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 eliminated within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

Vacancies in Elective Office; Removal from Office:

Section 5.2. Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

(a) For any reason specified by statute or by this charter as creating a vacancy in office;

(b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;

(c) If the officer shall be found guilty by a competent court of the State of Michigan of a crime constituting misconduct in office under the provisions of this charter;

(d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council;

(e) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;

(f) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4;

(g) If the officer cease to be a registered elector in, or a bona fide resident of, the city.

Vacancies in Boards and Commission:

Section 5.3. The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:

(a) For any reason specified by statute or by this charter as creating a vacancy in office;

(b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;

(c) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefor entered in the proceedings of such board or commission at the time of each absence;

(d) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

Removals from Office:

Section 5.4. Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons: (a) For any reason specified by statute for removal of city officers by the Governor, (b) for any act declared by this charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

Resignations:

Section 5.5. Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body who shall promptly file same with the Clerk. Forthwith upon his receipt of a resignation, the Clerk shall notify the Administrator of it, and shall bring the same to the attention of the Council at its next meeting thereafter.

Filling Vacancies in Appointive Offices:

Section 5.6. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

Filling Vacancies in Elective Offices:

Section 5.7. (a) Any vacancy which occurs in the Council more than one hundred twenty days before the next regular city election shall be filled within sixty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following such next election, at which election such vacancy shall be filled as provided in Section 4.5 for any balance of the unexpired original term.

Any vacancy which occurs in the Council one hundred and twenty days or less before the next regular city election may not be filled.

(b) If any vacancy in the office of Councilman which the Council is authorized to fill is not filled within sixty days after such vacancy occurs, or if two or more vacancies exist simultaneously in the office of Councilman such vacancies shall be filled for the respective unexpired terms at a special election. In connection with any special election to fill a vacancy or vacancies in any elective office, candidates shall be nominated by petitions in a manner identical to that provided for regular elections, the names of all qualified candidates who file sufficient valid nomination petitions thirty days before such special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this charter, not inconsistent with this Section 5.7 shall govern.

(c) The provisions of this Section 5.7 shall not apply to the filling of vacancies resulting from recall.

Filling Vacancies in the Office of Justice of the Peace:

Section 5.8 (a) Vacancies in the office of Justice of the Peace occurring sixty days or more before any regular city election, shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following the next regular city election. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure as provided in Chapter 4 generally and more particularly Sections 4.11 and 4.12 thereof, and the Justice so elected shall take office on the Monday following such election.

(b) Vacancies in the office of Justice of the Peace occurring less than sixty days before any regular city election shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following the regular city election in the next succeeding year. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure as provided in Chapter 4 generally and more particularly Sections 4.11 and 4.12 thereof, and the Justice so elected shall take office on the Monday following such election.

(c) The provisions of this section shall not apply to the filling of vacancies resulting from recall.

Change in Term of Office or Compensation:

Section 5.9. Except by procedures provided in this charter the terms of office of the elective officers and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the city shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after such service has been rendered. The salary of any elective officer shall not be increased or decreased from the time of his election until the end of the term of office for which he was elected.

Oath of Office and Bond:

Section 5.10. Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by Section 2 of Article XVI of the Constitution of the State of Michigan, shall file such oath, together with any bond required by statute, this charter, or by the Council. In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Surety Bonds:

Section 5.11. Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of public property or the handling of public funds, either by the receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the city an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand deliver over to his successor in office, or other proper officer or assignee of the city, all books, papers, moneys, effects and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of city employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The Clerk shall be custodian of all the bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk.

Delivery of Office:

Section 5.12. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, or sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute.

Pecuniary Interest Prohibited:

Section 5.13. (a) Except as permitted by this section no contract or purchase involving an amount in excess of one hundred dollars shall be made by the city in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect. A "contract" shall for the purposes of this section include any understanding or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall mean spouse, children, and the spouse of any child.

(b) A contract in which an officer or member of his family has a pecuniary interest may be made by the city if the members of the Council in office at the time having no such interest shall unanimously determine that the best interests of the city will be served by the making of such contract and if either such contract is made after comparative prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case. Any Council member having any economic interest in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.

(c) Any officer who knowingly permits the city to enter into any contract in which he has a pecuniary interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of conduct in office. Except in the instances specified in paragraph (b) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a pecuniary interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation; and final and conclusive in like case as to those who sell services or goods to the city.

(d) No officer shall stand as surety on any bond to the city or give any bail for any other person and a statement thereof filed periodically with the City Administrator. The provisions of paragraph (b) of this section shall not apply to any fees, commissions or other compensation paid by the County of Oakland to any officer or employee serving as a city representative on the Board of Supervisors; nor to any compensation paid a representative of the city by any Metropolitan District authority or board for service thereon.

(e) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city when authorized by the Council.

Employee Welfare Benefits:

Section 5.15. The Council shall have the power to make available to the administrative officers and employees of the city and its department and boards any recognized standard plan of group life, hospital, health, or accident insurance.

Anti-Nepotism:

Section 5.16. The following relatives and their spouses of any elective official or of his spouse are disqualified from holding any appointive office or employment during the term for which said elective official was elected: child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official.

Merit System:

Section 5.17. The Council may provide for a merit system for city employees.

CHAPTER 6

THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

Regular Meetings:

Section 6.1. The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one regular meeting each month. An organizational meeting shall be held on the Monday following each regular city election.

Special Meetings:

Section 6.2. Special meetings shall be called by the Clerk on the written request of the Mayor, the City Administrator or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Business at Special Meetings:

Section 6.3. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

Meetings to be Public:

Section 6.4. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Quorum: Adjournment of Meeting:

Section 6.5. A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in absence of all members the Clerk may adjourn any meeting for not longer than one week.

Compulsory Attendance and Conduct at Meetings:

Section 6.6. Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting of the Council. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness or absence from Oakland County shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

The police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.

Organization and Rules of the Council:

Section 6.7. The Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk, and shall be signed by the presiding officer and clerk of the meeting.

(b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records.

(c) No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

(d) In all roll call votes the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.

(e) The proceedings of the Council, or a brief summary thereof, shall be published within fifteen days following each meeting. Any such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council.

The Council shall be no standing committees of the Council.

Investigations:

Section 6.8. The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters thereto pertaining in which the municipality has an interest. The Council for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a violation of this charter and such person when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment not to exceed ninety days or both, in the discretion of the court.

It is provided further that, in case any person on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Oakland County in requiring obeyance of such summons or production of such books, papers and other evidence.

Providing for Public Health and Safety:

Section 6.9. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council shall constitute the Board of Health of the city, and it and officers shall possess all powers, privileges and immunities granted to boards of health by statute.

CHAPTER 7

LEGISLATION

Interim Legislation:

Section 7.1. The valid provisions of all bylaws, ordinances, resolutions, rules and regulations of the Township of Southfield which are not inconsistent with this charter and which are in force and effect and lawfully applicable to the territory of Lathrup Village, at the time of the effective date of this charter, shall continue in full force and effect and be administered by and for the city until and unless repealed or amended under provisions hereof or rendered invalid by law; provided, however, that, if any such bylaw, ordinance, resolution, rule or regulation provides for the appointment by the township board or Supervisor or any officer or member of a board or commission, future appointments of such persons shall be made by the Council. Fees originally payable to the township under such provisions as to said territory, hereafter shall be paid to the city.

Those provisions of any such bylaw, ordinance, resolution, rule or regulation which are inconsistent with this charter, are hereby repealed as to their application to said territory.

Any reference in any such bylaw, ordinance, resolution, rule or regulation to a Board or Commission shall be construed to refer instead to the Council.

Ordinances and Resolutions:

Section 7.2. All official action of the Council shall be by ordinance, resolution, motion or order. All acts of the Council providing a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and by a number and by a code section number if and when the codification of ordinances is completed.

Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be: "The City of Lathrup Village ordains:".

Enactment, Amendment, Repeal and Effective Date of Ordinances:

Section 7.3. Subject to the statutes and to the exceptions which follow hereafter, (a) ordinances may be enacted by the affirmative vote of not less than a majority of the members elect of the Council, (b) no ordinance shall be amended or repealed except by an ordinance adopted as aforesaid, (c) no ordinance shall be enacted at the meeting at which it is introduced nor until after publication of the proceedings or summary thereof of such meeting (which proceedings or summary shall include a statement of its title and purpose) and (d) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten days after enactment nor before publication thereof.

It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or before publication of the proceedings of the meeting at which it is introduced, or may be given earlier effect than ten days after its enactment, or all three, by four affirmative votes if four or five members of the Council are present at the meeting at which it is enacted or by three affirmative votes if three members of the Council are present at the meeting at which it is enacted.

In case an ordinance is given effect earlier than ten days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in three public places in the city, provisions of this charter notwithstanding; 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 of the ordinance, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation. Such ordinance shall also be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.2.

No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be reenacted and published in full. However, an ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

Publication and Recording of Ordinances:

Section 7.4. Each ordinance shall be published within ten days after its enactment in one of the following two methods: (a) The full text thereof may be published in a newspaper as defined in Section 17.4, or (b)in cases of ordinances over five hundred words in length, a digest, summary or statement of purpose of the ordinance, approved by the Council, may be published in a newspaper as defined in Section 17.4, either separately or as part of the published Council proceedings or summary thereof, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the Clerk; if method (b) is used, then printed copies shall promptly be so made available as stated in such notice.

Ordinances shall be 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 records by their official signatures thereon but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

Penalties for Violations of Ordinances:

Section 7.5. Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both, in the discretion of the court.

Special Requirements for Certain Council Actions:

Section 7.6. (a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be subject to the provisions of statute and shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall post or publish notices of such hearing at least one week prior thereto.

(b) The following actions shall require the affirmative vote of four members of the Council for the effectiveness thereof:

(1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;

(2) Purchasing, selling or leasing of any real estate or interest therein;

(3) Authorizing the condemning of private property for public use;

(4) Creating or abolishing any office;

(5) Appropriating any money;

(6) Imposing any tax or assessment;

(7) Reconsidering or rescinding any vote of the Council.

(c) The Council shall not have power to engage in any business enterprise requiring an investment of money in excess of the amount permitted to be invested by statute unless approved by a three-fifths vote of the electors voting thereon at any general or special election.

Enactment of Technical Codes by Reference:

Section 7.7. Where permitted by the Home Rule Act, the Council may adopt in whole or in part any provision of state law or any detailed technical regulations as a regulation as a statute by reference to 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 adopting the same as an ordinance of the city; and where any code, or amendment thereto, is so adopted, all requirements for its publication may be met, other provisions of this charter notwithstanding, by (1) publishing the ordinance citing such code in the manner provided for the publication of other ordinances and (2) by making available to the public copies of the code cited therein in book or booklet form at a reasonable charge.

Severability of Ordinances:

Section 7.8. 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 portion or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not unreasonably affected by the court to be inoperable, and to this end ordinances are declared to be severable.

Compilation and Codification of Ordinances:

Section 7.9. Within two years after the effective date of this charter, and in the discretion of the Council thereafter, the Council shall direct the compilation or codification and printing in looseleaf or pamphlet form of all ordinances of the city then in force. Any such compilation or codification shall be completed within one year thereafter. All requirements for publication of such compilation or codification, and of the ordinances contained therein, other provisions of this charter notwithstanding, may be met by making copies thereof available for inspection by, and distribution to, the public at a reasonable charge and by publishing notice of the printing and availability thereof.

The copies of the ordinances and of any compilation, code or codes referred to in the charter may be certified by the Clerk and when so certified shall be competent evidence in all courts and legally established tribunals as to the matter contained therein.

Initiative and Referendum:

Section 7.10. An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereinafter provided.

Initiatory and Referendary Petitions:

Section 7.11. An initiatory or a referendary petition shall be signed by not less than ten per cent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within twenty-one days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be in the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall set forth the ordinance or part thereof, or code sections it proposes to have repealed.

Each signer of a petition shall sign his name, 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 thereof 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 fifteen days, examine the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the city, the Clerk shall notify forthwith by registered mail the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplementary petitions. If the petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

Council Procedure on Initiatory and Referendary Petitions:

Section 7.12. Upon the presentation to the Council of an initiatory or referendary petition by the Clerk, the Council shall, within thirty days, take action as provided by statute, either,

(a) Adopt the ordinance as submitted by an initiatory petition;

(b) Repeal the ordinance, or part thereof, referred to by a referendary petition; or

(c) Refuse to submit the proposal provided for in the petition to the electors.

Submission of Initiatory and Referendary Ordinances to Electors:

Section 7.13. Should the Council decide to submit the proposal to the electors, it shall do so at the next election authorized by law for the city for any other purpose, or, in the discretion of the Council at a special election called for that specific purpose; but no election on an initiative or a referendum petition shall be held sooner than fifty days after the petition is presented to the Council and if no other election whatever is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election within sixty days from such date of presentation for the submission of the initiatory proposal. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or the Constitution.

Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions:

Section 7.14. The presentation to the Council by the Clerk of a valid and sufficient referendary petition shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors; but there shall be no suspension pending a repeal if the ordinance has been in force more than six months.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of six months after the date of the election at which it was adopted, and an ordinance repealed by the electorate through referendary proceedings may not be repealed for a period of six months after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinances receiving the highest number of affirmative votes shall govern.