

(b) The Planning Commission shall consist of seven (7) members, who shall be appointed by the Mayor with the approval of the Council. One member so appointed shall be a member of the Council. In making appointments of members of the Planning Commission, the Mayor shall appoint persons representing each ward and, insofar as possible, represent each ward and different professions and occupations having an interest in the growth and development of the City. The term of office of each member of the Planning Commission except the Councilman member, shall be three (3) years. The Councilman member shall be appointed for a one (1) year term. The terms of office of members of the Commission shall begin on the first day of July nearest the date of their appointment. The terms of office of the first Planning Commission appointed hereunder shall be fixed by the Mayor so that the terms of two members, including the Councilman, will be for one (1) year, two for two (2) years, and two for three (3) years. The Councilman member shall cease to be a member of the Commission if he ceases to be a member of the Council. Members of the Planning Commission shall serve without compensation.

(c) The Commission shall organize annually at its first meeting following the first day of January, by electing one of its members chairman, and shall meet at least once a month.

(d) The Council shall not determine or alter zoning boundaries, or impose or amend zoning regulations, until thirty (30) days after the report on such changes or amendments has been requested from the Planning Commission by the Council.

(e) The Council may, by ordinance, in addition to the powers and functions herein provided, delegate to the Planning Commission other powers and functions permitted by law concerning city planning.

SECTION 6.12 DEPARTMENT OF BUILDING AND SAFETY ENGINEERING:

(a) The Department of Building and Safety Engineering shall be in the immediate charge of the Director of Building and Safety Engineering, who shall be responsible to the City Administrator.

(b) The Department of Building and Safety Engineering shall be responsible for the administration of all laws, ordinances and regulations concerning the erection, maintenance, and safety of buildings, and the equipment and fixtures therein, including but not by way of limitation, electrical and plumbing codes, housing and zoning laws, and other applicable state laws.

SECTION 6.13 FIRE AND POLICE DEPARTMENT; PENSION AND RETIREMENT SYSTEM:

The provisions of Act No. 345 of the Public Acts of the State of Michigan for the year of 1937, as now amended, or as may be hereafter amended, are hereby adopted by reference thereto, as a part of this Charter.

SECTION 6.14 CONTINUATION OF EXISTING BENEFITS AND SERVICE RECORD:

All benefits which may have accrued, including prior service record under the existing Pension and Retirement System of the Township of Southfield shall continue in full force and effect under the provisions of this Charter.

SECTION 6.15 TRANSFER OF FUNDS:

All funds in the Fire and Police Departments of the Township of Southfield Pension and Retirement System shall become available and shall be transferred over to the Pension and Retirement System provided for and created under the provisions of this chapter.

SECTION 6.16 PRESENT BOARD TO CONTINUE:

The Fire and Police Department Retirement Board of the Township of Southfield, shall become the Retirement Board of the City of Southfield, and shall hold office until respective members' terms of office shall expire and until their successors have been selected and have qualified.

SECTION 6.17 OTHER CITY DEPARTMENTS:

A Pension and Retirement system shall also be established for all other City departments not covered by Act No. 345 of the Public Acts of the State of Michigan for the year 1937, as amended, and such pension and retirement system shall not be inconsistent with any State law. This system shall be established by a Pension and Retirement Board of the City of Southfield, as hereinafter provided.

SECTION 6.18 LIBRARY BOARD:

(a) The Library Board shall consist of seven (7) resident citizens, who shall be appointed by the Council. The term of office of said members shall be three (3) years and they shall serve without compensation. On or before the first Monday in March, following the adoption of this Charter, the City Council shall appoint three (3) members of said Board, one for the term of one (1) year, three for the term of two (2) years, and three for the term of three (3) years; thereafter, on the first Monday in February in each year, the City Council shall appoint members of said Board for a term of three (3) years to succeed the members whose terms expire on that date.

(b) Said Library Board shall have the care, custody, control and management of the public Library, together with all buildings containing the same and may appoint the necessary employees therefor.

(c) The City Council shall in its annual estimates make provisions for a library fund, which shall not be less than 3/10 of one mill on the assessed valuation of the property to be assessed for City purposes, and the amount so provided shall be levied and collected each year in the same manner and at the same time as other City taxes. The funds above provided for shall be disbursed only on the order of the Library Board, and it shall be the duty of the City Treasurer to draw warrants upon said fund upon the order of the said Board, and it shall be his duty as ex-officio Treasurer of said Board to pay such warrants.

(d) The Library Board shall have power to make and adopt such rules, by-laws and regulations for their own guidance and for the government of the Library

and its property as they may deem expedient.

(e) Any person or persons desiring to make donations of money, personal property or real estate for the benefit of such Library shall have the right to vest the title to the money or other personal or real property so donated in said Library Board, to be held and controlled by said Board, when accepted in accordance with the terms of the deed, gift, or bequest of such property.

CHAPTER 7

Judicial Division

SECTION 7.1 PRESENT LAW:

No suit, cause or prosecution of any kind commenced prior to the time this Charter is adopted or pending before any Justice of the Peace of the Township of Southfield at that time, shall be in any manner affected by the adoption or taking effect of this Charter; and as to such suits, causes or prosecution, all of the provisions of the present law, whether general or special, applying to Justices of the Peace and Justice Courts of the Township of Southfield and to appeals therefrom, shall remain in full force and effect and shall be followed with respect thereto.

SECTION 7.2 JUSTICE OF THE PEACE:

The City shall have one (1) Justice of the Peace who shall hold office for a term of four (4) years from the fourth of July next following the City election at which he was elected, except that the Justice of the Peace elected at the City election under this Charter shall hold office from the first Monday following said first City election until his successor is elected at the regular City election in 1959 and takes office as provided herein; and a Justice of the Peace shall be elected every four (4) years thereafter. The Justice of the Peace, shall, before taking office, take an oath and give the necessary bond as required by State law for Justices of the Peace in Townships for the faithful performance of his duties and for payment to the City of all moneys required to be paid by him into the City treasury.

SECTION 7.3 POWERS AND JURISDICTION OF JUSTICE OF THE PEACE:

The Justice of the Peace of the City of Southfield shall have the same powers, duties, and jurisdiction as Justices of the Peace in Townships under the general laws of the State and shall be subject to such general laws, except as it is otherwise provided in this Charter. The Justice of the Peace shall have the exclusive jurisdiction to hear, try, and determine all charges for offenses and misdemeanors alleged to have been committed within the City and which, by the general laws of the State, are within the jurisdiction of Justices of the Peace. He shall have the exclusive jurisdiction to hear and examine all charges for crime alleged to have been committed within the City, and which, by the general laws of the State are examinable by and before Justices of the Peace, and hold to bail or commit for trial in the Circuit Court for Oakland County. He shall also have concurrent jurisdiction with other Justices of the Peace of the County of Oakland as to all crimes, offenses and misdemeanors when alleged to have been committed without the City but within the County of Oakland.

The Justice of the Peace shall also have:

(a) Concurrent jurisdiction to the amount of five hundred (\$500.00) dollars in all civil matters ex contractu and ex delicto, with such exceptions and restrictions as are or may be provided by State law;

(b) The same power and authority as the Circuit Courts of the State possess to set aside, upon legal cause shown therefor, the verdict or judgment in any civil cause, and grant a new trial therein, whenever a motion in writing is made and filed with the Justice within five (5) days after the rendition of the verdict or judgment in said case, which motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by an affidavit or affidavits setting forth the facts relied upon and filed at the time of filing of said motion, and a notice of the hearing of such motion with a copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two (2) days before the hearing thereof; such motion shall be determined within two (2) days after the same shall have been heard and submitted and such motion shall be submitted and heard within one (1) week after the same shall have been filed; the time for taking an appeal from judgment in case motion be not granted shall begin to run from the time when such motion shall be overruled; in no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of levy under execution pending such motion, no sale of the property so levied shall be advertised or made until the final determination of such motion;

(c) Such additional powers and authorities as may be conferred upon City Justices of the Peace by State law, it being the intent of this section that the Justice of the Peace in the City of Southfield shall have and exercise all powers and authority which such Justices in Cities may now or hereafter be permitted to exercise under State law, under this Charter, or the ordinance of the City.

SECTION 7.4 JURISDICTION IN CHARTER AND ORDINANCE CASES:

The Justice of the Peace shall have jurisdiction to hear, try and determine all complaints for the violation of any of the ordinances of the City of Southfield, and all persons convicted by or before such Justice, of the violation of any of the ordinances of said City, may, by the Justice before whom such conviction is had, be fined or imprisoned, or both, in the discretion of such Justice, according to the terms of the ordinances under which such trial and conviction was had, and if a fine be imposed it shall be with the costs of prosecution, and an appeal may be taken to the Circuit Court for the County of Oakland by the persons convicted, as in criminal cases.

All imprisonments imposed under this section may be in the County Jail for the County of Oakland.

SECTION 7.5 REMUNERATION OF JUSTICE OF THE PEACE:

The Justice of the Peace shall assess costs as provided by this Charter, and by State law in all cases where such costs are not specified in this Charter, but shall not receive any of such costs for his own use. In lieu thereof, he shall be paid an annual salary which shall be paid to him in monthly installments. The salary shall be set by the Council not later than thirty (30) days before the final date and time for filing nominating petitions for the office of Justice of the Peace prior to each regular election at which a Justice of the Peace is to be elected for a full term. This section shall, in no way, affect the fees to which the Justice of the Peace may be entitled for performance of marriage ceremonies, and taking acknowledgments, or administering oaths in matters which are not connected with any litigation before him. Notwithstanding the foregoing provisions of this section, the compensation of said Justice of the Peace for the terms commencing on the first Monday after the first City election under this Charter and ending when a successor is elected and qualified following the City election in 1963, shall be on a fee basis as provided by the general laws of the State for Justices of the Peace in Townships.

SECTION 7.6 COURT SESSIONS:

The Justice of the Peace shall hold sessions of Court on such days and during such hours as may be determined by said Justice of the Peace.

SECTION 7.7 ABSENCE OR DISABILITY OF JUSTICE OF THE PEACE:

In event of the absence, inability, or disability of the Justice of the Peace to act in any case pending before him, such case may be transferred upon his order (or in his absence, by the Clerk of the Court or the City Clerk) to any qualified Justice of the Peace or Municipal Judge in or of the County of Oakland, who is hereby authorized to perform the duties of said Justice of the Peace in the case. The Council may provide, by ordinance, compensation for any Justice of the Peace or Judge, other than the regular Justice of the Peace for the City, who is called upon to perform the duties of said regular Justice of the Peace.

SECTION 7.8 FINES AND PENALTIES:

All fines, penalties and forfeitures collected or received by the Justice of the Peace, or any Justice of the Peace or Municipal Judge acting in his stead, for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and monies collected or received by such Justice for or on account of violations of any of the ordinances of the City, and all fees shall be paid over by such Justice to the Treasurer of the City on or before the first Monday of the month next after the collection or receipt thereof, and he shall not be entitled to receive his monthly compensation until his account for the preceding month has been fully settled, and all fees and costs shall have been paid over as aforesaid.

SECTION 7.9 REPORTS:

The Justice of the Peace shall make an itemized monthly report to the Council of all the fees collected in all proceedings before his court on or before the tenth day of each month during the term for which he shall perform the duties of Justice of the Peace, which report shall set forth the name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and of the monies by him received for and on account thereof. Any Justice failing to make such report within sixty (60) days shall forfeit his office, and the Council shall appoint a Justice of the Peace to fill the vacancy until the next regular City election.

SECTION 7.10 APPOINTMENT OF CLERK AND AUDIT:

The Council may appoint, on nomination of said Justice, a Clerk for the Justice Court. Said Clerk shall, by virtue of the office, be empowered to administer oaths to persons making affidavits for writs in civil cases, and to issue all process and test the same in the name of Justice, and shall be required to collect all costs in civil causes, and all costs and fines in criminal causes, and all money paid into Court for security for costs, bail or otherwise, and to enter a record of the same in books to be kept for that purpose, and to pay over the same to the authorities of the City or County or other persons entitled to the same, and such books of said Clerk shall be audited at least once each year to ascertain that such books are correctly kept and that all monies received have been properly accounted for. Said Clerk shall, before entering upon the duties of said office, give such bond as may be required by the Council, as the expense of the City, and said Clerk shall perform such other duties as may be from time to time prescribed by the Council. The compensation of the Clerk shall be fixed by the Council; provided, however, that the foregoing provisions of this section shall not become effective until such time as a Justice of the Peace is placed on a salary.

SECTION 7.11 COURT OPERATING EXPENSE:

The Council shall provide all things reasonably necessary to the efficient operation of the Justice Court, including court room, furniture, fuel, lights, telephone, stationery, supplies, equipment and postage, provided, however, that the foregoing provisions of this section shall not become effective until such time as a Justice of the Peace is placed on a salary.

SECTION 7.12 COURT OFFICER:

The Police Chief shall assign a police officer of the City of Southfield to the Justice Court upon request of the Justice of the Peace, who shall have all the duties and powers of court officers in the Circuit Courts of the State and shall serve in such capacity during the pleasure of said Justice of the Peace. Such officer shall receive no compensation except such as he may