

**CHARTER OF THE VILLAGE OF ESTRAL BEACH
MONROE COUNTY, MICHIGAN**

****PREAMBLE****

We, the People of the Village of Estral Beach, Monroe County, and State of Michigan, under the authority of the Constitution and the laws of the State of Michigan, in order to obtain the benefits derived thereby, to encourage more direct and business like methods in the transaction of our municipal office, to promote, maintain and better provide for the interests and welfare of all the people, do ordain and establish this Charter for the Village of Estral Beach.

CHAPTER I.

INCORPORATION and BOUNDARIES

INCORPORATION and GENERAL STATEMENT of POWERS and DUTIES:

Section 1. The Corporation heretofore created under Act. No. 278 of the Public Acts of 1909, entitled "An Act Providing for the Incorporation of Villages and for Changing Their Boundaries;" and Act amendatory and supplemental thereto and now known as the Village of Estral Beach, shall be and continue to be a Body Politic under the name and style of Estral Beach, and by such name may sue and be sued, in any court of competent jurisdiction, contract and be contracted with, acquire and hold real estate and personal property for the purpose for which it is incorporated, have a common seal, and change the name at it's pleasure, and have and exercise all the powers and duties by this Charter conferred, including all implies and incidental powers, inherent in such a municipality, and further all powers, duties and privileges now or hereafter granted by the Constitution and Statues of this State. The said Village may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers by expressly enumerated or not; and may do any act to provide for the safety, order and good government of the Village and general welfare of the inhabitants Charter - Village of Estral Beach thereof, subject only to the Constitution and such general laws of the State as are adopted as a part hereof.

VILLAGE BOUNDARIES, BODY POLITIC:

Section 2. The boundaries of the said Village of Estral Beach shall include all the land and territory described as follows: to-wit:

All those pieces and parcels of land situated and being in the Township of Berlin, County of Monroe, State of Michigan, being portions of fractional sections 10, 15, and 16, Town 6 South Range 10 east, running thence along the section line between Sections 15 and 16 to a point in the northerly side of a canal, thence westerly along said northerly line of the canal to it's intersection with the northerly line of Lake Erie; thence northeasterly along said northerly shore line of Lake Erie to it's intersection with the east line of said section 10; thence north along said section line 678 feet to a point; thence west 1061.80 feet to a point; thence north 56 degrees 09' East 39.17 feet to a point; thence west 4233.90 feet to the west line of said section 10; thence south along the west line of said section 10 to the point of beginning.

CHAPTER II
ELECTORS AND ELECTION DISTRICTS

ELECTORS:

Section 1. The inhabitants of the Village of Estral Beach having the qualifications of electors under the Constitution and Statues of the State, and no other, shall be electors therein.

ONE ELECTION PRECINCT PROVISIO:

Section 2. The Village shall consist of one election precinct, which shall include the entire Village within the boundaries thereof, provided, however, that the Commission shall have power as herein provided, to increase the number of election precincts thereof.

INCREASE IN ELECTION PRECINCTS - WHEN MADE:

Section 3. The Commission, by proper resolution, may at its discretion, divide the Village into two or more election precincts as may be necessary and convenient. Whenever any election precinct contains more than six hundred (600) electors, according to the poll list of the last preceding election, then the Commission shall divide the said Village into two or more election precincts, no one of which shall contain as many as six hundred (600) electors. Each such precinct shall contain approximately an equal number of qualified electors, the number to be determined from the poll list of the last preceding annual election.

INCREASE IN ELECTION PRECINCTS - HOW MADE:

Section 4. Such division of the Village into two or more election precincts shall not become effective until a resolution providing for such division shall have been published in each calendar week for two successive weeks, immediately following it's passage, in the official newspaper of the Village, and until such resolution shall have been posted for ten full days in five or more of the most public places in each election precinct to be affected; and providing further that no such Charter - Village of Estral Beach division shall be made within sixty days preceding the date of any election or official primary election in said Village.

ABOLITION OF ELECTION PRECINCTS:

Section S. The Commission may likewise, by proper resolution, abolish such division, if necessary and convenient for the purpose of said Village and thereafter said Village shall constitute a single election precinct as if no division had ever been made.

CHAPTER III
REGISTRATION AND RE-REGISTRATION

_____, being duly sworn, deposes and says that the person signing the above petition are all qualified electors of the Village of Estral Beach and that they live at the addresses following their names; and that said persons signed the above petition voluntarily for the purposes therein stated, and further deponent sayeth not.

Subscribed and Sworn to before me on _____

This _____ day of _____, A.D. 19_____

Notary Public, Monroe County, Michigan.

My commission expires _____

The Village Clerk shall prepare and keep on hand blank forms of the nominating petitions above prescribed, and shall furnish same, free of charge, for the use of the voters and candidates in said Village.

PETITIONS OPEN TO INSPECTION:

Section 3. All such nominating petitions shall be open to public inspection after being filed in the office of the Village Clerk, in accordance with such reasonable rules and regulations as shall be prescribed by him.

CLERK TO RETURN PETITION - IF INSUFFICIENT:

Section 4. When a petition of nomination is presented to the Village Clerk for filing, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this Charter. If found not to conform thereto, he shall then and there in writing on said petition, state the reason why such petition cannot be filed, and shall forthwith return the petition to the person presenting the same or to the person designated on the petition for such purpose. The petition may then be amended and again presented to the Village Clerk, as in the first instance, but said petition as amended shall finally be filed at least eighteen days before the election. The Village Clerk shall forthwith proceed to examine the amended petition as herein before provided.

PETITION - FILING OF:

Section 5. If either the original or the amended petition of nomination be found sufficiently signed as herein before provided, the Village Clerk shall file same forthwith.

NOMINATION PAPERS - FILING OF:

Section 6. All nominating papers comprising a petition shall be assembled and filed with the Village Clerk as one instrument at least eighteen days prior to the date of holding the election with respect to which such petition is filed.

ACCEPTANCE - FILING OF:

Section 7. Any person, whose name has been submitted for candidacy by any such petition, shall file his acceptance for candidacy with the election authorities at least sixteen days before the day of the election and in the absence of such acceptance the name of the candidate shall not appear on the ballot.

ACCEPTANCE - FORM OF:

Section 7. The acceptance previously referred to shall be substantially in the following form:

State of Michigan,)
County of Monroe.) ss .
Village of Estral Beach)

I, _____, having heretofore been nominated for the office of _____ in said Village, do hereby accept said nomination.

(Signed) _____

CANDIDATES AT PRIMARY ELECTION:

Section 8. Candidates for all offices to be voted for at any municipal election under the provisions of this Charter shall be nominated at the primary election and no other names shall be printed on the election ballot for election of such officers, except those selected in the manner hereinafter prescribed.

PRIMARIES - WHEN HELD:

Section 9. A primary election for the nomination of candidates for all elective municipal offices to be filled at the election at which this Charter shall be submitted shall be held upon the 15th day of September, AD. 1928, but after the election at which said Charter shall be submitted a primary election for the nomination of candidates for all elective municipal offices to be filled at the succeeding regular municipal election shall be held on the first Wednesday of March of each year. Provided, however, that if the general primary election laws of this State shall be so amended as to change the date of holding the general spring primary, then the date of the primary election to be held under the provisions of this Charter, after said first election, shall be upon the same date as that fixed by the general primary election laws and on the equivalent date of the even numbered years.

AMEND ED - PRIMARIES - WHEN HELD:

ADOPTED JULY 9, 1929

AMENDMENT TO SECTION 9, CHAPTER IV OF THE CHARTER FOR THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN, WITH THE RESPECT TO TIME OF HOLDING ELECTIONS.

Is hereby amended, according to Law providing for amendments to Charters of Municipal Corporations within this State, to read as follows:

For the nominating of candidates for all elective municipal officers to be filed at the succeeding regular municipal election shall be held on the third Tuesday of June of each year, and the general election of officers according to the Charter and By-Laws of this Corporation shall be amended to that said election shall be held on the Second Tuesday of July thereafter.

OFFICERS FOR PRIMARY ELECTIONS:

Section 10. The officers for primary elections shall be the same as for the elections and shall be elected in the same manner and have the same powers and duties as officers for elections and shall receive such compensation in full for their services as shall be determined by the Commission prior to such primary election. In case any inspector or clerk or officer of election shall fail to appear at the hour of the opening of the polls at any primary election, or shall not remain in attendance during the primary election, such office shall be deemed to be vacant and shall be filled in the same manner as is provided by the general law for filling such vacancies at elections.

HOURS OF PRIMARY ELECTION:

Section 11. The primary elections shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours as are provided for municipal elections.

NOTICE OF PRIMARY ELECTION:

Section 12. Immediately upon the expiration of the time for filing the petition and statements for candidates and at least eight days prior to the date of the primary election, the said Village Clerk shall cause a notice of the primary election to be posted in at least ten conspicuous places in each election precinct in the Village; and to be published in a newspaper of general circulation in the village, designated by the Commission, and the Commission may in its discretion provide for the further publication of such notice in one or more additional newspapers having a general circulation in said Village. Said notice shall specify the time when, and the places where, such elections are to be held and the offices for which candidates are to be nominated. Said Village Clerk shall at the time and in like manner post and publish a notice containing the names of all the persons who have filed petitions as candidates for the several offices, which notice shall be included in the notice of the primary election.

PRIMARY BALLOTS:

Section 13. The Village Clerk shall cause primary ballots to be printed and on file at his office at least eight days prior to the primary election, but five days shall be sufficient time before the first primary. Said primary ballots shall contain the names of the candidates for the several offices and the provisions of the general primary law of the State for transposing and alternating the names of candidates shall apply on said ballot. The names of the candidates for President, if one is to be elected, shall first be placed on the primary ballot with a square at the left of each name, and immediately above the names of such candidates shall appear the words, "Vote for one." Following the names of candidates for President, like arranged, with a square at the left of each name, shall respectively appear the names of the candidates for Clerk, Assessor, Treasurer, Commissioners. Immediately above the

names of each office shall appear the words, "Vote for _____" followed by the word indicating the number to be elected.

Below the names of the candidates for each of the above specified offices there shall be printed as many blank lines as there are offices to be filled with a square opposite each line for the purpose of allowing the elector, if he so desires, to insert the names of any other persons for whom he may desire to vote, whose names do not appear upon each ballot, and if any person whose name is thus inserted shall receive sufficient votes, he shall be declared nominated in the canvass of the votes as hereinafter provided.

PRINTING AND NUMBERING:

Section 14. The ballots shall be printed in plain substantial white paper, and shall be numbered in accordance with the requirements of the general laws of the State governing the numbering of election ballots, but said ballots shall have no party mark, vignette or designation mark whatsoever.

FEE FOR FILING STATEMENT:

Section 15. No candidate shall have his name printed upon said primary election ballot unless he shall have paid the Village Clerk at the time of filing statement of candidacy a fee of One Dollar (\$1.00), which fee shall be turned in by the Clerk to the general fund of the Village.

FORM OF BALLOTS:

Section 18. The Primary ballot shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT

Candidates for nomination for Village offices of the Village of Estral Beach at the primary election held on _____, the _____ day of 19__.

(Place a cross in the square opposite the names of the persons you favor as candidates for the respective offices).

For President
(Vote for One)
(Names of Candidates)

For Clerk
(Vote for One)
(Names of Candidates)

For Assessor
(Vote for One)
(Names of Candidates)

For Treasurer
(Vote for One)
(Names of Candidates)

For Commissioners
(Vote for _____)
(Names of Candidates)

BALLOTS - NUMBER OF:

Section 17. The Village Clerk shall deliver to the Chief of Police in the manner hereinafter provided, a number of ballots for each polling district equal to at least fifty per cent (50%) more than the number of votes cast for the office of President in such polling districts at the last preceding election of such official.

QUALIFICATIONS OF ELECTORS:

Section 18. All persons having qualifications to vote at the annual Village Election in the Village of Estral Beach shall be qualified to vote at the primary election.

CHALLENGES:

Section 19. Challengers may be appointed in such manner and with such rights and privileges as are provided in the general laws of the State.

PRIMARIES LIKE ELECTIONS:

Section 20. Primary elections except as hereinafter otherwise provided shall be conducted as nearly as may be in the manner provided for the holding of elections under this Charter.

CANVASS OF RETURNS:

Section 21. Immediately upon the closing of the polls, the inspectors and clerks of election of each precinct shall count the ballots and ascertain the number of votes cast in the precinct for each of the candidates whose names shall be printed or written upon such ballots, and shall count the votes cast for and against any Charter amendment or other special question which may be submitted to the qualified electors at such primary elections, and shall make returns thereof forthwith to the Village Clerk upon proper blanks to be furnished such inspectors by the Village Clerk. The Commission shall convene at it's usual place of meeting at eight o'clock of the first secular day next preceding the day of such primary election and canvass the returns of inspectors of elections as filed with the Village Clerk by such inspectors, and shall determine the declare the result. Such canvass by the Commission shall be publicly conducted.

PUBLICATION OF RESULTS:

Immediately thereafter, the Village Clerk shall cause the result of said primary election as determined and declared by the Commission to be published at least once in a newspaper of general circulation in the Village designated b)T the Commission. Publication of the result of said canvass by the Commission in the minutes of the proceedings shall be deemed a compliance with the above provision.

WHAT PERSONS NOMINATED:

Section 22. When only one person is to be elected to any office, the two candidates receiving the highest number of votes for that office shall be the candidates and the only candidates whose names shall be placed on the ballot for that office at the next succeeding election. When two or more persons are to be elected to any office, then the names of the persons receiving, at the primary election, the highest number of votes for said office up to a number equal to twice the number of persons to be elected to said office at said election shall be placed upon the election ballot for that office. Then two persons are to be elected to any office, then the four candidates receiving the highest number of votes for such office shall be placed on the ballot as candidates for said office at said Village Election.

TIE VOTE RECOUNT:

In case of a tie or if a recount of the votes cast at a primary election is desired, the same proceedings shall be had as provided for such case in Sections 34 and 35 of this Chapter relative to elections.

WHEN NO PRIMARY:

Section 23. If at the expiration of the time as herein provided for the filing of nomination petitions, the number of candidates for each and every office to be voted upon shall not exceed the number of candidates to be nominated for such respective offices as herein provided, then no primary election shall be held, but the persons who have filed such petitions and nominating petitions shall be nominated. The names of such candidates shall be printed upon the ballot to be voted at the next Village election in the same manner as though such candidates had been nominated at a regularly held primary election as herein provided. In the event that there shall be more candidates for nomination to any office who shall file statements and petition as herein provided than the number of candidates to be nominated for said office, then the names of all candidates for such offices shall be printed upon the primary ballot the same as herein provided.

SPECIAL PRIMARIES:

Section 24. Special primary elections may be appointed by resolution of the Commission and held at such times and places as the Commission shall determine. The purpose and object for which such primary election shall be held shall be fully set forth in the resolution appointing said primary election. The form of the ballot to be used at such primary election, the manner of holding the election, the

counting of ballots, the canvassing of the returns and the publication of the results, shall be the same, as nearly as may be, as herein before provided for regular elections.

PRIMARY TO FILL VACANCIES:

Section 25. Whenever it shall be necessary to nominate candidates to fill vacancies, the candidates for the nomination for such office shall state such fact in their petitions and statements of candidacy. The primary ballot shall distinguish thereon the candidates for the unexpired terms from the candidates for the regular full term.

ANNUAL ELECTIONS - WHEN HELD:

Section 26. An annual election of offices shall be held on the second Monday in April of each year at such places as shall be designated by the Commission.

SPECIAL ELECTIONS:

Section 27. Special elections may be appointed by resolution of the Commission and held at such times as it shall determine; the purpose and object of such election shall be fully set forth in the statement calling such election.

QUALIFICATIONS OF ELECTORS:

Section 28. The inhabitants of the Village having the qualifications of electors under the constitution and laws of the State and no others shall be electors herein, and every elector shall vote in the election district where he shall reside on the day of election. By the term "reside" is meant having a fixed habitation without any intention of moving there from, and to which, when the person is absent he has the intention of returning. One coming into the Village for temporary purposes only, such as to work upon a particular job, with no intention of making a home in the Village shall not be deemed to have gained a residence therein qualifying him to vote.

FORM OF BALLOT:

Section 29. The ballot at such general election or any special Village elections called for the purpose of electing any officer under the provisions of this Charter shall be a separate ballot in the same general form as the ballot for primary election so far as applicable, and such election ballot shall be printed without any party mark, emblem, vignette or designation whatsoever on plain substantial white paper and the same shall be printed and numbered in accordance with the provisions of the general laws of the State regulating the printing and numbering of ballots at elections in this State. The names of candidates for the several offices shall be printed upon the ballots and the provisions of the general primary law for transposing and alternating the names of candidates shall apply to said ballot.

BALLOTS TO BE FILED:

The Clerk shall cause ballots to be printed and filed in his office in accordance with the general election laws.

BALLOT BOXES:

The Commission shall also provide and cause to be kept by the Clerk for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

ELECTION COMMISSION:

Section 30. There shall be a Commission of three members to be known as the Village Election Commission, consisting of Assessor, Village Clerk, and Chief of Police. The members thereof shall meet at the Council Chamber on the evening of the secular day next preceding the day of such election, and shall report to the Commission as a whole as to the preparation each member has made for the election as herein provided and said election Commission shall complete all arrangements for the holding of such election.

ATTORNEY - DUTIES OF:

The Village Attorney shall be the legal advisor of the Village Election Commission and shall advise the Election Commission on all legal matters and direct all election activities according to law.

CLERK - DUTIES OF:

The Village Clerk shall furnish all supplies and stationary, books, blanks, and accessories necessary for the conducting of elections by the several election board, and shall report to the Election Commission at the Council Chamber on the evening of the secular day next preceding the day of election, a correct list and tabulation of all ballots, supplies, stationary and accessories to be furnished ready for delivery to the Chief of Police on the morning of election day and such delivery shall be made by the Clerk at least one-half hour before the time of the opening of the polls.

CHIEF OF POLICE - DUTIES OF:

The Chief of Police shall have charge of, supervise and be responsible for the delivery of all ballot boxes, supplies, stationary, ballots and accessories, to the election inspectors and election boards at each place of voting at least fifteen minutes before the time of opening the voting places. He shall also take charge of said ballot boxes immediately upon their having been sealed by the Board of Election Inspectors, and at once deliver them to the Village Clerk at his office. He shall properly guard said boxes and secure them from tampering or disturbance from the time they may be delivered to him by the Clerk until they are returned to the office of the Clerk after sealing.

VILLAGE CLERK - DUTIES OF:

The Village Clerk shall have charge of, and supervise and be responsible for the places of voting. He shall see that the polling places are prepared, arranged, furnished, lighted, heated, and properly cleaned

before each election, and that suitable polling places shall be rented in case the Village has not provided said polling places, and that the rent therefore shall be paid by the Village Commission.

INSPECTORS AND CLERKS TO MEET:

All election inspectors and members of election boards shall meet the election commission on the evening of the secular day next preceding the day of election, at the time of the meeting of the election commission, which shall be held at 8:00 o'clock P.M. They each shall, at such meeting, take the oath of office.

INSTRUCTIONS:

The inspectors of election shall hear the report of the members of the Election Commission as herein before provided, and shall receive the instructions from the Election Commission as to their duties and shall be privileged to make inquiry concerning their duties, if they so desire.

REMOVAL OF ELECTION OFFICERS:

If any complaint shall be made to the Election Commission that any inspector of election or other election officer has been guilty of the violation of any provision of this Charter or any general law governing elections, or shall be unfit or disqualified for the performance of his duties for any reason, the election commission may, in it's discretion, after due investigation of such complaint, remove such inspector or other election officer, and the electors present at the polling place at the time of such removal, may elect another suitable person who shall act in place of the inspector or election officer for the balance of election day.

REPORT OF REMOVAL:

The Election Commission shall report such action, with the reasons thereof, to the Commission at the next regular meeting, and the inspector so appointed shall receive all or such proportionate part of the compensation allowed by the Commission for the performance of such duties as the Commission may direct.

COUNCIL TO DETERMINE PAY:

Section JIG All inspectors of election, clerks, gatekeepers and other election officers shall receive as full compensation for the services required of them at any election such sum as shall be determined by the Commission prior to the date of holding of any election.

NOTICE OF ELECTION - WHEN AND HOW GIVEN:

Section 32. Notice of the time and place of holding any election and of the officers to be elected and questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk at least ten days before the date of said election by posting such notice in at least ten conspicuous places in each election precinct of the Village, and by publishing a copy thereof at least ten days before the date

of election in a newspaper of general circulation in the Village, designated by the Commission, and if the Commission shall so direct, by the further publication of such notices in any other newspaper or newspapers of general circulation in the Village, and in case of a special election the notice shall set forth the purpose of the election as fully as the same is required to be set forth in the resolution appointing such election.

RULES FOR ELECTION:

Section 33. All elections in said Village shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided. The inspectors, clerks, and gatekeepers of election at all Village elections shall have the same powers and authority for the preservation of order and for enforcing obedience and canvass of votes, as are conferred by law upon inspectors, clerks and gatekeepers of general elections held in this State.

DUPLICATE CERTIFICATES:

Thereupon the Village Clerk shall make duplicate certificates of such determination, showing the results of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively. One of such certificates shall be files by the Clerk in the office of the County Clerk of the County of Monroe and the other shall be filed in the office of the Village Clerk.

TIE VOTE:

Section 34. If there should be no choice by reason of two or more candidates having received an equal number of votes, the Commission shall, at the meeting mentioned in the preceding section, determine by lot which of such persons shall be considered elected to such office, provided that such determination shall not be made until a recount of the votes cast for such candidates shall have been made by the Commission.

RECOUNT:

Section 35. Any candidate for office, failing of election, who shall not be satisfied with the results of the vote as shown by the return of the Board of Election Inspectors to the Village Clerk, or as shown by the canvass of the returns of such inspectors by the Commission, may have a recount of the votes cast for the candidates for such office provided he shall file with the Village Clerk a petition therefore prior to the adjournment of the meeting of the Commission at which such canvass of the return of the inspectors of election are made as herein before provided, or any citizen interested in any charter amendment or other proposition who shall not be satisfied with the result of the vote upon such charter amendment or proposition as shown by the returns by the Board of Electors inspectors to the Village Clerk, or as shown by the canvass of the returns of such inspectors by the Commission, may have a recount of the votes cast upon such charter amendment or other proposition at any election, provided that he shall file with the Village Clerk, a petition signed by fifty qualified electors and taxpayers of the Village, therefore prior to the final adjournment of the meeting of the Commission at which such canvass of the return of the inspectors of election are made as herein before provided. The procedure

in relation to all such recounts shall in all respects be in the manner provided by the general election laws of the State.

SERVICES OF CANDIDATES FOR REWARD UNLAWFUL:

Section 36. Any person who shall agree to perform any service in the interest of any candidate for any office provided for in this Charter in consideration of any money or other valuable thing for such service performed in the interest of any candidate, shall upon conviction, be punished by a fine not exceeding One Hundred Dollars (\$100.00) or be imprisoned in the County Jail of Monroe County, or both, in the discretion of the Court.

TREATING BY CANDIDATES UNLAWFUL:

Section 37. It shall be unlawful for any candidate for any office created by this Charter at any primary of village election or for any person in his behalf, directly or indirectly, to buy or give to, or cause to be bought for or given to, any elector~ any cigar or intoxicating liquor or beverage or drink of any kind, it being the intent of this Section to prohibit the custom of treating in any manner by candidates for public office, or by any person in behalf of such candidate. Any person violating the provisions of this Section shall be guilty of misdemeanor, and shall upon conviction, be punished by a fine not to exceed One Hundred Dollars (\$100.00) or by imprisonment in the County Jail not exceeding thirty days, or both, in the discretion of the Court.

WHEN UNLAWFUL TO EMPLOY SERVICES:

Section 38. It shall be unlawful for any person, firm or corporation to employ, directly or indirectly, either with money, promises of money, or other valuable considerations, offices, places or employment, any person to do any campaign work, electioneering or soliciting of votes, for or against any candidates, or ,for or against the approval of any franchise, charter amendment, or other proposition; and it shall be unlawful for any person to agree to perform any such service for any consideration, profit or benefit whatsoever. Any violation of this Section shall be deemed a misdemeanor and shall be punished as provided in Section 37.

REGULAR ELECTION DEFINED:

Section 39. Whenever it is provided in this Charter that any ordinance or proposition may be submitted to the electors at a regular election, the term, "regular election" for the purpose of such submission may be deemed to mean all regular elections including the regular primary elections, held either under the provisions of this Charter or the Laws of the State.

CHAPTER V

DEPARTMENT OF GOVERNMENT.

DISTRIBUTION OF DEPARTMENTS

Section 1. The executive and administrative powers and authority of the Village not herein otherwise provided for, shall be distributed among four departments, as follows:

- 1st Department of Financing and Auditing.
- 2nd Department of Public Safety.
- 3rd Department of Public Works.
- 4th Department of Public Health.

CHAPTER VI

ELECTIVE OFFICERS:

Section 1. The Elective Officers of the Village shall be a President, Clerk, Treasurer, Assessor, and Six Commissioners.

FIRST ELECTIVE OFFICERS:

Section 2. The President, Assessor and three of the Commissioners elected at the first Village election shall hold office until midnight of the second Tuesday of April, 1928, and until their successors have been elected and have qualified. The Clerk, Treasurer, and the three remaining Commissioners shall hold office until midnight of the second Tuesday in April, 1927, and until their successors have been elected and have qualified.

ELECTIVE OFFICERS - WHEN ELECTED:

Section 3. Thereafter, a President, Assessor and three Commissioners shall be elected at the annual Village election in each even year and a Clerk and Treasurer and three Commissioners shall be elected at the annual election in each odd year. All of the above officers provided they have duly qualified, shall take their offices on the second Wednesday of April following their election and shall hold office until midnight of the second Tuesday in April of the second year after their election and until their successors have been elected and qualified.

APPOINTIVE OFFICERS:

Section 4. The President shall, by and with the consent of the Commission, appoint two members of the Board of Review, one Health Officer, and whenever the needs or necessities of the Village require, may appoint one Chief of the Fire Department, one Chief of Police, one Superintendent of Public Works, one Engineer, a Village Attorney, a Village Manager, and such other appointive officers or administrative boards as shall be provided for by ordinance or resolution of the Commission, and whenever they shall deem such appointments necessary and advisable for the public good and for the execution of the powers granted by this Charter. The powers and duties of such appointive officers shall be prescribed from time to time and as necessity may require by the Commission, subject to the provisions of this Charter.

COMBINATION OF OFFICERS - POWERS AND DUTIES:

Section 5. The Commission shall have power to supplement or change the duties of the Clerk and Treasurer, and to prescribe, change or alter the duties of such other officers, departments of government, or administrative boards, as it may from time to time deem necessary for the public good. Any two or more, or all of the appointive offices or any part of the powers and duties of any of them, may be combined in anyone person. The Commission may delegate any and all the powers and duties vested in it, other than such as are required by law to be exercised by the legislative authority in a Village.

It may not so delegate the enactment of ordinances, the granting of franchises, nor the making of contracts, which are to run more than one year. Such combination of offices, powers or duties, and such delegation of powers or duties may be done by ordinance or by resolution, or partly by one method and partly by the other. Such combination of offices, powers or duties, and such delegation of any of the same shall be at the pleasure of the Commission, to the end that the Commission may at any time, or from time to time, withdraw or take back any such powers or duties and otherwise invest, confer or delegate the same.

VILLAGE MANAGER:

Section 6. A general Village Manager may be appointed under the power and authority of the preceding section, in whom may be combined the offices of Superintendent of Public Works, Chief of the Fire Department, Chief of Police, and such other appointive offices as the Commission may determine. The powers and duties of such General Manager shall be fixed and determined from time to time by the Commission either by ordinance or by resolution.

APPOINTIVE OFFICERS - TERMS, POWERS AND DUTIES:

Section 7. The terms of all appointive officers shall expire at midnight of the second Tuesday of April following their respective appointments, but they shall hold over until their successors have been elected and qualified; provided, however, in case the President fails to make any appointments herein provided within thirty days from the time limited, within which such appointment may be made, the Commission shall have full power in itself to make such appointment.

OFFICERS MUST BE QUALIFIED ELECTORS - EXCEPTIONS:

Section 8. No person shall be elected or appointed to any office, except that of Village Health Officer, Village Engineer and Village Attorney, unless he shall be a qualified elector of the Village.

AMENDED - OFFICERS MUST BE QUALIFIED ELECTORS - EXCEPTIONS

ADOPTED JULY 13, 1976

AMENDMENT TO SECTION 8, CHAPTER VI OF THE CHARTER FOR THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN, WITH RESPECT TO OFFICERS MUST BE QUALIFIED ELECTORS - EXCEPTIONS:

Section 8. No person shall be elected to any office, unless he shall be qualified elector of the Village, excepting members of the Police Department, who may be appointed although not qualified electors of the Village.

Yes – 64

No – 27

NOTICE TO OFFICERS OF THEIR ELECTION OR APPOINTMENT:

Section 98 It shall be the duty of the Village Clerk, within five days after the canvass by the Commission of the results of any election, to notify each person elected, in writing, of his election, and he shall also, within five days after the appointment of any person to any office, in a like manner, notify such person of the appointment.

OATH AND BOND OF OFFICERS - FAILURE TO TAKE MAY VACATE:

Section 10. Every officer, elected or appointed, before entering upon the duties of his office and within ten days after receiving notice of his election or appointment, shall take the oath of office prescribed by the Constitution of the State, blank form for which shall be provided by the Clerk, and shall file the same with the Village Clerk, together with any bond which he may be required by this Charter or by the Commission to give. In case of failure to comply with the provisions of this Section, such officer may be deemed to have declined the office, and such office may be declared vacant by the Commission and filled by appointment as herein provided to fill vacancies.

VACANCIES BY REMOVAL FROM VILLAGE:

Section 11. If any officer, required to be an elector of the Village, shall remove from the Village or absent himself continuously from the Village for more than 90 days without the permission of the Commission, his office may thereby be vacated by action of the Commission.

RESIGNATION:

Section 12. Resignation of officers shall be made in writing to the Commission.

VACANCIES - HOW FILLED:

Section 13. Any vacancy occurring in any elective office shall be filled by the Commission upon the nomination of the President; and such appointee shall hold his office only until his successor shall have been elected at the next annual Village election and shall have qualified. All vacancies in appointive offices shall be filled by the President by and with the approving vote of the Commission.

LIABILITY TO CONTINUE - WHEN:

Section 14. The resignation or removal of any officer shall not, nor shall the election or appointment of another to his office, exonerate such officer or his sureties from any liability incurred by him or them.

DELIVERY OF OFFICE AND ITS EFFECTS BY OFFICER TO HIS SUCCESSOR:

Section 15. Whenever any officer shall move from the Village, resign or be removed from office, or the term for which he has been elected or appointed has expired, he shall, on demand, deliver over to his successor in office all the books, papers, money and effects in his custody as such officer, and in any way appertaining to his office; and any person willfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of the State, now or hereafter in force and applicable thereto; and every officer elected or appointed, excepting the Village Attorney and Village Engineer, shall be deemed an officer within the meaning and provision of such general laws of the State.

WHO SHALL NOT BE APPOINTED:

Section 16. The relatives by blood or marriage of the President or any Commissioner within the second degree of consanguinity of affinity are hereby disqualified from holding any appointive office during the term for which said President and Commissioner is elected.

POWERS AND DUTIES OF PRESIDENT

PRESIDENT, CHIEF EXECUTIVE - HIS DUTIES:

Section 17. The President shall be the Chief Executive of the Village. He shall preside at the meeting of the Commission; shall be a member thereof~ but shall not have the right to vote upon any question except in a tie vote. He shall from time to time, give the Commission information concerning the affairs of the Village, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the Village and over the public property belonging thereto; and see that the laws relating to the Village and the ordinances and regulations of the Commission are enforced.

CONSERVATOR OF PEACE:

Section 18. The President shall be a conservator of peace and may exercise within the Village the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Commission, to suppress riot and disorderly conduct.

RIGHT TO EXAMINE RECORDS - OTHER DUTIES:

Section 19. The President shall, with the Clerk, sign all records of the Commission, have the authority at all times to examine and inspect the books, records, and papers of any agent, employee, or officer of the Village; and shall perform all such duties as are or may be prescribed in this Charter and by the resolutions and ordinances of the Village.

ACTING PRESIDENT:

Section 20. In the absence or disability of the President, the President Pro Tempora of the Commission shall perform the duties of the President.

CLERK

GENERAL DUTIES OF CLERK:

Section 1. The Clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the Village not by this Charter, or the Ordinance of the Village, entrusted to some other office; he shall be clerk of the Commission and shall attend its meetings. In case of the absence of the Clerk, or, if from any cause, he shall be unable to discharge, or be or be disqualified from performing, the duties required of him, then the Commission may appoint one of their own number, or some other person, to perform the duties of the Clerk for the time being.

The Clerk shall record all the proceedings and resolutions of the Commission, and shall record, or cause to be recorded, all the ordinances of the Village. He shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the Village, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matter therein contained, to the same extent as the original would be. He shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the Village, except as to the filing of chattel mortgages, and he shall have the authority to administer oaths and affirmations.

GENERAL ACCOUNT OF VILLAGE:

Section 2. The Clerk shall be the general accountant of the Village; and all claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the Village, and the true balance as found by him, to the Commission for allowance, and when allowed, shall draw his warrant upon the Treasurer for the payment thereof, designating thereon the fund from which payment is to be made; and take proper receipts therefore; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the Clerk shall report the amount thereof to the Village Treasurer, stating the objects for and fund from which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

KEEP BOOKS RELATING TO PROPERTY AND DEBTS:

Section 3. The Clerk shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the Village, and of all its debt and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the Treasurer, in which he shall charge him with all the moneys received for each of the several funds of the Village, and credit him with all warrants drawn thereon, keeping an account with each fund.

REPORTS TO COUNCIL:

Section 4. The Clerk shall report to the Commission, whenever required a detailed statement of the receipts, expenditures, and financial condition of the Village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the Commission may require.

OATH OF OFFICE:

Section 5. The Clerk shall file with the Treasurer, a written oath of office, sworn to before any Justice of the Peace, a Notary Public of the County, together with his official bond, within the time provided for the filing of bonds and the taking of the official oath by the President and Commissioners.

VILLAGE ATTORNEY

DUTIES OF:

Section 6. The Attorney, in addition to the other duties prescribed in this Charter, shall be the legal advisor of the Village Commission and of all officers of the Village, and shall act as the attorney and solicitor for the Village in all legal proceedings in which the Village is interested, and shall prosecute all offenses against the ordinances of the Village. He shall also perform such other duties in relation to the legal matters of the Village as shall be required of him by the Commission.

VILLAGE TREASURER

GENERAL DUTIES OF VILLAGE TREASURER

Section 1. The treasurer shall have the custody of all moneys, bonds other than official, mortgages, notes, leases and evidences of value belonging to the Village; he shall receive all moneys belonging to, and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury, except in pursuance of, and by authority of the law, and upon warrants signed by the Clerk and President, which shall specify the purpose for which the amounts thereof are to be paid; he shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefore, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued. No person shall be eligible to the office of Village Treasurer for more than two years in succession.

AMENDED - GENERAL DUTIES OF VILLAGE TREASURER

ADOPTED JULY 9, 1929

AMENDMENT TO VILLAGE TREASURER DUTIES, SECTION I, CHAPTER VI OF THE CHARTER FOR THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN, WITH

RESPECT TO THE LENGTH OF TIME THAT THE VILLAGE TREASURER SHALL BE ELIGIBLE TO OFFICE.

Is hereby amended, according to Law providing for amendments to Charters of Municipal Corporations within this State, unrestricting the time that said Treasurer of said Village may act, and striking from said Charter the following parts of Section 1, page 34, "No person shall be eligible to the office of Village Treasurer for more than two years in succession. It after this amendment shall be amended according to law and a copy thereof attached to Page 34, Section 1, as provided for by said Charter, making it lawful for any person lawfully elected to act for an indefinite time so long as he is regularly elected and qualified according to the By-laws and Charter of said Village.

TREASURER'S REPORT:

Section 2. The Treasurer shall render to the Clerk on the first Monday of every month, if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the Commission annually on the first day of June, and as often and for such period as the Commission shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the fund to which account shall be filed in the office of the Clerk and shall be published in one of the newspapers of the Village, if any be published therein.

VOUCHERS:

Section 3. Said Treasurer shall make vouchers for all moneys paid from the Treasury, showing the amount and fund from which payment was made, which vouchers upon settlement with the proper officers of the Village, shall be surrendered and filed with the Clerk.

USE OF MONEY:

Section 4. The Treasurer shall keep all moneys in his hands, belonging to the Village, separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation money, warrants, or evidences of debt in his custody or keeping, for his own use or benefit, or that of any other person; any violation of the provisions of this Section shall work a forfeiture of his office, and the Commission, on proof of the fact, are authorized to declare the office vacant, and appoint his successor for the remaining of his term.

CHANGE OF DUTIES

POWER OF COMMISSION:

Section 1. The Commission shall have power, by a two-thirds affirmative vote, to supplement or change the duties of the Clerk and Treasurer, and to prescribe, change, or alter the duties of such other officers, or administrative boards, as it may deem necessary. Provided, however, that the Commission shall not have power to change the salary or emoluments of any public official after his election of

appointment, or during his term of office, where such office is held for a fixed term nor shall the term of any public official be shortened or extended beyond the period for which he was elected or appointed, unless he be removed for cause.

ASSESSOR

GENERAL DUTIES OF ASSESSOR:

Section 1. The Assessor shall perform such duties in relation to assessing property and levying taxes in the Village as are prescribed by this Charter. He shall also perform such duties in relation to assessment of water rates as shall be prescribed by ordinance or resolution of the Commission.

BOARD OF REVIEW

POWERS AND DUTIES OF:

Section 2. The Assessor and two qualified freeholders and electors of the Village, to be annually appointed by the President, by and with the consent of the Commission, shall constitute a Board of Review of the assessments. At the time appointed for the review, the board shall meet at the place designated in the notice and continue in session two days, from the hours of 9:00 O'clock in the forenoon until 8:30 o'clock in the evening for the purpose of reviewing and correcting such assessments; and for such purpose the board of review shall have the same powers, and perform like duties in all respects, as are conferred upon and required of boards of review in townships, in reviewing assessments in townships and shall receive same compensation; provided, however, that the Assessor shall receive no additional compensation for such services. They shall hear the complaints of all persons considering themselves aggrieved by such assessments, and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as they shall deem just.

Said Board of Review shall make a record of all changes made in the roll, which record shall be signed by then and deposited with the Clerk.

Immediately after the review of the assessment roll, as aforesaid the Board of Review shall certify the roll under their hands to the Committee.

COMPENSA TION

COMPENSA TION OF ELECTIVE OFFICERS:

Section 1. Said elective officers shall be entitled to receive as full compensation for their services the following salaries, viz.: The President shall receive the sum of Twenty-five Dollars (\$25.00) per month; the Village Clerk shall receive the sum of One Hundred Dollars (\$100.00) per month; the Treasurer shall receive the sum of Fifty Dollars (\$50.00) per month; each Commissioner shall receive the sum of Twenty Dollars (\$20.00) per month; the Assessor shall receive the sum of Ten Dollars (\$10.00) per month for the year ending with the second Tuesday after the second Monday in April, AD. 192_; thereafter the annual salary of the President shall be Three Hundred Dollars (\$300.00) per annum, the Clerk shall receive One Thousand Five Hundred Dollars (\$1500.00) per annum; the Treasurer shall receive the sum of Twelve Hundred Dollars (\$1200.00) per annum; each Councilman

shall receive the sum of Two Hundred and Fifty Dollars (\$250.00) per annum, and the Assessor shall receive the sum of Five Hundred Dollars (\$500.00) per annum; such sums to be paid in monthly or semi-monthly installments as the Commission may determine.

AMENDED - COMPENSATION OF ELECTIVE OFFICERS:

ADOPTED JULY 9, 1929.

AMENDMENT TO COMPENSATION, SECTION I, CHAPTER VI OF THE CHARTER FOR THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN, WITH RESPECT TO COMPENSATION OF ELECTIVE OFFICERS.

Is hereby amended, according to Law providing for amendments to Charters of Municipal Corporations within this State, to read as follows:

President of said Village shall receive not more than Twelve Dollars and Fifty cents (\$12.50) per month.

Village Clerk to receive not more than Twenty-five (\$25.00) Dollars per month.

Treasurer of said Village to receive not more than one per-cent (1 %) of the general tax collected by him during the first thirty days after said tax shall become due and payable, and four per-cent (4%) of said tax collected by him thereafter.

Said Village Commissioners shall receive not more than Two Dollars and Fifty cents (\$2.50) per meeting.

Said Tax Assessor shall receive not more than One Hundred (\$100.00) Dollars per year.

Such sums to be paid at such times as the Commissioners might determine.

AMENDED - COMPENSATION OF ELECTIVE OFFICERS:

ADOPTED JULY 11, 1933.

AMENDMENT TO COMPENSATION, SECTION I, CHAPTER VI OF THE CHARTER FOR THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN, WITH RESPECT TO COMPENSATION OF ELECTIVE OFFICERS;

Section 1, page 37 of Village Charter with respect to compensation of elective officers is hereby amended, according to law providing for amendments to charters of Municipal Corporations within this state, to read as follows:

PRESIDENT of said village shall receive not more than \$75.00 per annum.

CLERK shall receive not more than \$200.00 per annum.

TREASURER to receive 1 % on general taxes collected by him during the first 30 days after said tax shall become due and payable and 4% thereafter until roll is turned over to county treasurer.

However, if the above mentioned fees collected by treasurer do not amount to \$50.00 per annum, the village shall make up the difference as salary between the amount of fees collected and the sum of \$50.00. If the fees collected by the treasurer amount to \$50.00 or over, no salary difference can be collected from the village and all fees over \$50.00 shall belong to the treasurer.

COMMISSIONERS hereafter elected shall not receive more than \$3.50 per meeting.

ASSESSOR shall receive not more than \$100.00 per annum.

COMPENSATION OF APPOINTIVE OFFICERS:

Section 2. Every other officer or employee of the Village, except day laborers, or day employees, shall receive such salary of compensation as the Commission shall by ordinance provide, payable in monthly or semi-monthly periods as shall be fixed by such ordinance.

COMMISSION TO BE JUDGE OF ELECTIONS AND QUALIFICATION OF MEMBERS:

Section 3. The Commission shall be the judge of the election and qualifications of its own members, subject to review by the courts in cases of contest.

RULES OF PROCEDURE OF COMMISSION:

Section 4. The Commission shall determine its own rules of procedure and may punish its members for disorderly conduct. A majority of the Commission shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance or rules of the Commission; and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting, or at the next regular meeting, without further notice. No office shall be created or abolished, street, alley or public ground be vacated, real estate or interest therein purchased, leased, sold, or disposed of, or private property be taken for public use, unless by a concurrent vote of two-thirds of all the members of the Commission, which vote shall be taken by yeas and nays, nor shall any vote of the Commission be reconsidered or rescinded at a special meeting, unless there be present as many members of the Commission as were present when such vote was taken.

APPROPRIATION OF MONEY:

Section 5. No money shall be appropriated except by ordinance or resolution adopted by a two-thirds yeas and nays vote of all members of the Commission, nor shall any resolution be passed or adopted except by the vote of a majority of all the members of the Commission elected to office, except as herein otherwise provided.

MEETINGS OF COMMISSION:

Section 6. The Commission shall hold regular meetings at the Council chambers on Tuesday Evening of each week at such hour as it shall determine for the transaction of business; provided, that when any Tuesday shall be a legal holiday, the regular meeting of the Commission shall be held at the same place and hour on the next succeeding secular day.

The President or any two members of the Commission may appoint special meetings thereof, notice of which, in writing, shall be given to each Commissioner, or be left at his place of residence at least six

hours before the meeting; provided, that if all the members of the Commission shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived.

ORDINANCES, ETC., TO BE CERTIFIED BY PRESIDENT AND CLERK:

Section 7. The Village Clerk shall be the Clerk of the Commission, and shall, with the President, sign and attest all ordinances and the journal or record of the Commission proceedings shall be assigned by the Village Clerk and approved in writing by the President.

CONTRACTS - OFFICERS SHALL NOT BE INTERESTED IN:

Section 8. No member of the Commission, nor any elective or appointive officer of the Village shall be co-partner, stockholder, director, officer, or agent of, or be directly or indirectly in the employ of any person, firm, company or corporation holding or seeking to hold any franchise from or contact with the Village of Estral Beach; nor shall any member of the Commission or any other officer or employee of the Village be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from Village moneys or by any assessment levied by ordinance or resolution of the Commission.

Contracts made in violation of this provision shall be void, and any violations of the provisions of this Section shall be a misdemeanor and shall work forfeiture of the office, and on proof thereof, the Commission shall determine the office of such offender vacant.

BOND AND OATH OF OFFICE - FAILURE TO GIVE - PENALTY:

Section 9. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefore, the Commission may declare the office vacant, unless previously thereto he shall file the oath and give the requisite bond or security.

APPOINTIVE OFFICERS - QUALIFICATIONS:

Section 10. All officers and employees shall be appointed with reference to their qualifications and fitness, and for the good of the public service, and without any reference to their political faith or party affiliations.

PROMISE OF REWARD BY CANDIDATE ILLEGAL:

Section 11. It shall be unlawful for any candidate for office, or any officer, directly or indirectly, to give or promise any person or persons any office, position, employment, benefit, or anything of value, for the purpose of influencing or obtaining the political support, aid or vote of any person or persons.

ELECTION AND CAMPAIGN EXPENSES TO BE PUBLISHED:

Section 12. Every elective officer shall, within thirty days after qualifying, file with the Village Clerk, and publish at least once in a newspaper of general circulation in the Village, his sworn detailed statement of all his election and campaign expenses, and by whom such funds were contributed.

MISDEMEANOR - VIOLATION OF THIS CHAPTER:

Section 13. Any violation of the provisions of this Chapter shall be a misdemeanor and be a ground for removal from office.

SALARY - INCREASING AND DIMINISHING PROHIBITED DURING TERM:

Section 14. The salary or rate of compensation of any elective or appointive officer of the Village shall not be increased or diminished during the term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the time the salary or rate of compensation has been increased.

APPOINTED TO OFFICE - WHO SHALL NOT BE:

Section 15. No elective officer shall, after his election and during the time for which he was elected, or within one year thereafter, be appointed to any office or employment which shall have been created or the enrollments of which shall have been increased during such time.

BONDS - NEW OR ADDITIONAL MAY BE REQUIRED:

Section 16. The Commission may, at any time require any officer to execute and file with the Clerk, additional or new official bonds, with such new or further sureties as said Commission shall deem requisite, and any failure of such officer to comply with such requirement within fifteen days shall subject the officer to immediate removal from office by the Commission

BONDS - EFFECT OF RESIGNATION OR REMOVAL UPON:

Section 17. The resignation or removal of any officer shall not, nor shall the appointment or election of another to his office, exonerate such officer or his sureties from any liability incurred by him or them.

EFFECTS OF OFFICES - DELIVERY FROM:

Section 18. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall have expired, he shall, on demand, deliver over to his successors in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office, and every person willfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against under the general laws of this State, now or hereafter in force and applicable thereto, and every officer, appointed or elected shall be deemed an officer within the meaning, and provision of such general laws of the State.

SURETY ON BONDS:

Section 19. No officer, agent or employee of the Village shall become surety on the official bond of another officer, agent or employee of the Village, nor upon the bond of contract executed or made to the Village.

DEPARTMENT OF PUBLIC SAFETY

POLICE DEPARTMENT

POWERS AND DUTIES OF:

Section 1. The Chief of Police shall be subject to the President and Commission and shall have the direction of the police of the Village. For the preservation of the peace, the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State, or violating the ordinances of the Village in any manner involving a breach of peace, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the Village; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the Commission for the good government of the Village.

It shall be their duty to see that all the ordinances and regulations of the Commission, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the Village, are promptly enforced. As peace officers the police shall, within said Village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. They shall have power to serve and execute all processes directed to delivered to them, in all proceedings for the violations of the ordinances of the Village. Such processes may be served anywhere within Monroe County.

RECORDS OF ARRESTS:

Section 2. The Chief of Police shall keep a record of all arrests and the cause thereof, and shall enter therein, within twenty-four hours after any person shall be arrested, the name of the person so arrested, and the cause of the arrest, the age and nationality of the person arrested, and if discharged without being taken before a court, the reason for such discharge, which records shall be the property of the Village.

REPORT TO COMMISSION:

Section 3. The Chief of Police shall report in writing and on oath to the Commission at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the Village; the amount of all fines and fees collected by him. All moneys collected or received by the Chief of Police, unless otherwise directed by this Charter, shall be paid into the Village Treasury during the same week when received, and the Treasurer's receipt therefore shall be filed with the Clerk.

POLICE FORCE - ESTABLISHMENT OF:

Section 4. The Commission of said Village may provide for and establish a police force and may authorize the President to appoint, by and with the consent of the Commission, from time to time, such number of policemen and night watchmen as they shall deem expedient for the good government of the Village, and for the protection of the persons and property of the inhabitants, and they may authorize the President of the Village, in cases of emergence and danger, to appoint, temporarily, such number of policemen as in his judgment, the occasion may require.

RULE OF POLICE DEPARTMENT:

Section 5. The Commission shall make all necessary rules for the government of the Police, and prescribe the powers and duties of policemen and watchmen, and they may invest them with such authority as may be necessary for the preservation of quiet and good order in the Village.

FIRE DEPARTMENT

ESTABLISHMENT AND MAINTENANCE OF:

Section 6. The Commission shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accidents resulting there from; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department; the employees, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department.

APPLIANCES - COMMISSION MAY PROVIDE:

Section 7. The Commission may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the Village, and make all necessary provisions for a convenient supply of water for the use of the Department.

BUILDINGS FOR:

Section 8. The Commission may also provide of erect all necessary buildings for keeping the engines, carriages, teams and fire apparatus of the Department.

CHIEF:

Section 9. The Chief of the Fire Department shall be subject to the direction of the President and the regulations of the Commission; shall have the supervision and direction of the Department and the care and management of the fire engines, apparatus and property.

POWER OF CHIEF TO COMMAND AID:

Section 10. The Chief of the Fire Department, or other officer acting as such, may command any person present at a fire to aid in the extinguishing thereof, and to assist in the protection of the property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the County Jail for a period not exceeding ninety days, or by a fine not exceeding One Hundred Dollars (\$100.00), or by both such fine and imprisonment in the discretion of the court.

APPOINTMENTS TO AND REGULATIONS FOR:

Section 11. The Commission may provide by ordinance for the appointment of, and may appoint such number of firemen as may be deemed necessary; and for the examination by them from time to time, of the stoves, furnaces and heating apparatus and devices in all dwellings, buildings, and structures within the Village, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire, to be put in a safe condition.

FIRE LIMITS - PROVISION AND ESTABLISHING:

Section 12. The Commission may prescribe by ordinance from time to time limits or districts within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such district, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

PREVENTION OF FIRE AND REGULATIONS FOR:

Section 13. The Commission may also prohibit within such places or districts as they shall deem expedient, and location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the Commission, the danger of fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and generally, may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fire.

REMOVAL OF BUILDINGS AS NUISANCES:

Section 14. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the Commission.

COMPENSATION OF FIREMEN:

Section 15. The officers, firemen and employees of the Department shall receive such compensation as the Commission may prescribe. The Commission may provide suitable compensation for any injury which any employee of the Village may receive to his person without negligence on his part, while in the employ of the Village, and while in the discharge of his duty.

DESTRUCTION OF BUILDINGS BY DEPARTMENT:

Section 16. The Chief in charge of the Department at any fire, with the concurrence of the President and any two Commissioners, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in the building may, within six months thereafter, present his claim for damages to the Commission of said Village, and it shall be the duty of the Commission to pay such claimant such damages as may be just, under the circumstances, taking into consideration the fact, whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the Commission and such claimant shall not be able to agree upon the amount of such damages to be paid such claimant, the amount of such damages shall be ascertained by the appraisal of a appraise damage for taking private property for public use. Such jury may visit the premises and may hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances as above stated. If such jury shall not be able to agree, a new jury shall be impaneled as above provided, until a jury has been obtained that shall agree, and the Commission shall pay such claimant the amount of damages fixed by such jury. There shall be no appeal from the verdict of such jury either by the Village or any claimant.

DEPARTMENT OF HEALTH

HEALTH OFFICER:

Section 17. The Department of Health shall be under the immediate charge of the Health Officer, who shall be a legally licensed physician. He shall have such powers and perform such duties as are prescribed by law and by this Charter and by ordinance or resolution of the Commission.

CHAPTER VII

COMMISSION - POWERS AND DUTIES OF COMMISSION IS LEGISLATIVE BODY

POWERS AND DUTIES:

Section 1. The legislative authority of the Village shall be vested in a commission consisting of the President and six commissioners.

PRESIDENT TO PRESIDE AT COMMISSION MEETINGS:

Section 2. The President shall be the President of the Commission and preside at the meetings thereof.

PRESIDENT PRO TEMPORE:

Section 3. At its first regular meeting in April of each year, or as soon thereafter as may be, the Commission shall appoint one of its number President Pro Tempore of the Commission, who, in the absence or disability of the President, shall exercise the powers and duties of the President. In the absence of the President and President Pro Tempore, the Commission shall appoint one of the members to preside.

REGULAR MEETINGS:

Section 4. The Commission shall hold regular meetings for the transaction of business, at such times as it shall prescribe, not less than two of which shall be held in each month. The President, or any two members of the Commission may call special meetings thereof, notice of which in writing shall be given to each Commissioner, or be left at his place of residence at least six hours before the meeting; provided, that if all the members of the Commission are present at any special meeting without proper notice, such notice shall be deemed to have been waived. An affidavit showing legal service of such notice or special meeting shall be filed in the office of the Clerk prior to such special meeting.

SPECIAL MEETINGS - BUSINESS THERE-AT:

Section 5. No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting; provided, however, that, if all the members of the Commission are present at such meeting, then any business which might lawfully come before a regular meeting of the Commission, may be transacted at such special meeting.

RULES AND REGULATIONS:

Section 6. At or prior to it's first regular meeting in April each Commission shall prescribe the rules of it's own proceedings and shall keep a record thereof; provided, however, that the rules of procedure of the preceding Commission shall be followed until such new Commission shall have passed it's own rules of procedure. Votes upon all resolutions and ordinances shall be taken by yeas and nays, and entered upon the records of the meeting.

MEETINGS AND RECORDS PUBLIC:

Section 7. All meetings of the Commission shall be open to the public. All records of the Commission, as well as all records of the Village, shall be kept, and kept only, in the English language, and all such records shall be open to inspection by the public.

QUORUM - WHEN TWO-THIRDS VOTE REQUIRED:

Section 8. A majority of the members-elect of the Commission shall constitute a quorum for the transaction of business; but a less number may adjourn any regular meeting from time to time and compete the attendance of absent members in such manner as shall be prescribed by the Commission. But no office shall be created or abolished nor any tax or assessment by imposed; street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or any public improvement ordered, unless by a concurring vote of two-thirds of all the Commissioners

elect, which vote shall be taken by yeas and nays, and entered upon the records; no money shall be appropriated except by ordinance, or resolution of the Commission, nor shall any such ordinance be passed, nor any resolution appropriating money be adopted, except by a concurring yea and nay vote of two-thirds of all the Commissioners-elect. No action, resolutions or ordinances requiring a two-thirds vote as herein provided shall take effect prior to one week after its passage or adoption, and shall so state in such action, resolution or ordinance.

PRESIDENT'S VETO:

Section 9. In all matters requiring the concurring vote of two-thirds of the Commissioners as provided in the preceding section, and within the week which shall elapse before the ordinance, resolution, or acts, so passed shall be in force and effect, the President shall have the power of veto of all or any part of the ordinance, resolution or action, which he shall exercise in writing, briefly stating his objection to such action, resolution or ordinance, or part thereof, over his signature, and file the same with the Clerk within the time stated, who shall enter the same in the record book of the Commission proceedings. Upon a veto being exercised, the Commission shall thereupon proceed to reconsider its previous action, and may pass such section, resolution or ordinance, or part thereof, over the veto by five concurring votes, provided the period of one week has lapsed since the date of the filing of the veto with the Clerk.

ORDINANCES

ENACTING CLAUSE - FORM OF:

EFFECTIVE - HOW AND WHEN:

Section 1. The enacting clause of all ordinances shall read, "The Village of Estral Beach ordains," but such caption may be omitted when said ordinances are published in book form or are revised and digested by authority of the Commission.

All ordinances except as herein otherwise provided shall require, for their passage, the concurrence of a majority of the Commission. No ordinance imposing a penalty shall take effect in less than twenty days after its passage.

PENALTIES - WHEN MAYBE PRESCRIBED:

Section 2. When by the provisions of this Charter the Commission has authority to pass ordinances for any purpose they may prescribe fines, penalties and forfeitures not exceeding One Hundred Dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of the prosecution, for each violation of any of said ordinances, and may provide that the offend on failure to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any time not exceeding ninety day unless payment thereof be sooner made, and also that the offender ma be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance, shall be prescribed in the ordinance, and if imprisonment be adjudge in any case it may be in the Village prison, or in the County Jail of Monroe County, or any other place of confinement provided by the Village, or general laws of the State of Michigan, for such purpose in the discretion of the court.

CLERK TO RECORD ORDINANCES:

Section 3. All ordinances when regularly enacted, shall be recorded by the Clerk of the Commission, in a book to be called "The Record of Ordinances," and it shall be the duty of the President and Clerk to authenticate the same by their official signatures upon such record.

PUBLICATION:

Section 4. Within ten days after the passage of any ordinance the same shall be published in a newspaper of general circulation in the Village; and the Clerk shall, immediately after such publication, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and places of such publication. Such certificate shall be prima facie evidence of the due publication of the ordinance.

PROVING ORDINANCES:

Section 5. Whenever it shall be necessary to prove any of the laws, regulations of ordinances of this Village, or any resolution adopted by the council thereof, the same may be read in all courts of justice and in all proceedings:

- First From a record thereof kept by the Clerk.
- Second From a copy of the ordinance, or the record thereof, certified by the Clerk under the corporate seal of the Village.
- Third From any volume of ordinances purporting to have been written or printed by authority of the Commission.

PROSECUTION FOR VIOLATION OF ORDINANCES:

Section 6. Prosecution for violation of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the Village, or in the township in which the Village, or some part thereof is located. Any justice of the peace of the Village or of the township in which the Village or some part of it is situated, shall have the authority to hear, try, and determine all causes and suits arising under the ordinances of the Village, and to inflict punishment for violation thereof as provided in the ordinances.

PROCEEDINGS IN PROSECUTING VIOLATORS:

Section 7. Whenever a penalty shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt or in assumpsit. And when a corporation shall incur a penalty for the violation of any such ordinance, the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances of the Village may, in all cases except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the People of the State of Michigan, and shall set forth the substance of the offense

complained of, and be substantially in one form and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of this suit, and pleadings in procuring the attendance and testimony of witnesses, and in the rendition of judgments and in execution thereof shall, except as otherwise provided by this Charter, be governed by and conform as nearly as may be so, to the provisions of the law regulating proceedings in criminal cases cognizable by justices of the peace.

PLACE OF IMPRISONMENT:

Section 8. The Village shall be allowed the use of the Jail of Monroe County, for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this Charter; and the sheriff, or other keeper of such jail, shall receive and safely keep such person committed thereto as aforesaid, until lawfully discharged. In all cases of imprisonment for breaches of the penal laws of this State, such receiving and keeping in such jail shall be at the expense of Monroe County; in all other cases it shall be at the expense of the Village.

PROSECUTION AND TRIAL FOR VIOLATION OF ORDINANCES:

Section 9. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance, to state or set forth such ordinance, or any of the provisions thereof, in any complaint, warrant, process or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting it's title and the date of it's passage, adoption or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty, as to the time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the Village referring thereto by it's title, and the date of it's passage, adoption or approval. In all prosecutions for violations of the ordinances of the Village, either party may require a trial or jury. Such jury, except when other provision is made, shall consist of six persons, and, in criminal cases cognizable by justices of the peace and, in suits commenced by summons, as in civil cases triable before such magistrate. No inhabitant of the Village shall be incompetent to serve as a juror in any cause in which the Village is a party or interested, on account merely of such interest as he may have, in common with the inhabitants of the Village, in the results of the suit.

APPEAL FROM CONVICTION TO CIRCUIT COURT:

Section 10. Any person convicted of a violation of any ordinance of the Village in a suit commenced by warrant as aforesaid may remove the judgment and proceedings into the Circuit Court of Monroe County by appeal or writ of certiorari, and the time for such appeal or removal, and the proceedings therefore, and the bond or security to be given thereon and the proceedings and disposition of the cause in the Circuit Court, shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace; and in suits to which the Village may be a party may appeal from the judgment or remove the proceeding by certiorari into the Circuit Court, and the like proceedings shall be had therefore and thereon, and the like bond of security shall be given as in cases of appeal and certiorari in civil cases tried before justices of the peace, except that the Village shall not be required to give any bond or security thereon.

VILLAGE PRISON MAY BE MAINTAINED:

Section 11. The Commission shall have the power to provide and maintain a Village prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the Village, and for the employment of those imprisoned therein. All persons sentenced to confinement in such prison and all persons imprisoned therein on execution for non-payment of fine for violation of the ordinances of the Village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the Commission may prescribe.

SECURITY FOR COSTS MAY BE REQUIRED:

Section 12. In all prosecutions for violations of the ordinances of the Village, commenced by any person other than an officer of the Village, the court may require the prosecutor to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But he shall not be liable for the payment of the costs if the magistrate before whom the complaint is made on trial is had, shall certify in his minutes that there was probable cause for the making of such complaint

PAYMENT OF FINES:

Section 13. All fines imposed for violations of the ordinances of the Village, if paid before the accused is committed, shall be received by the court of magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to said court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall within thirty days thereafter pay the same into the Village treasury, except such fines as by the Constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the Treasurer's receipt therefore, and file the same with the Clerk.

FAILURE TO TURN FINES OVER TO THE VILLAGE:

Section 14. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the Commission to cause suit to be commenced immediately therefore, in the name of the Village, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

PUBLIC PEACE, HEALTH AND WELFARE:

Section 15. The Commission shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to conserve the public peace and health and to provide for the safety of persons and property, to appoint such agents or officers or boards from their own members, or otherwise as in the direction it may deem necessary to carry out such ordinances and such

regulations. Said Commission may establish a building code in conformity with and not inconsistent with the law of this State. To promote the health and general welfare of the Village it may establish and maintain as it may deem necessary facilities for furnishing fuel for the Village and its inhabitants. In addition to the foregoing, general powers of Sections 2686 to 2693, both inclusive, of the Compiled Laws of Michigan of 1915, are hereby adopted as a part of this Charter.

ORDINANCES - POWER OF COMMISSION:

Section 16. Part 1. The Commission shall have power to pass such ordinances in relation to the following subjects as it may deem proper:

BUSINESS LOCATIONS:

(a) To regulate and restrict the location of business, trades and industries and the location of buildings designed for specified uses, to divide the Village into districts of such number, shape and area as may be deemed best suited to carry out such purposes. For each of such districts regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades and industries that shall be permitted or excluded, or subjected to special regulations. Such regulations shall be made in accordance with a plan designed to lessen congestion on the public streets, to promote public health, safety and general welfare, and shall be made with reasonable consideration, among other things, to the character of the district, or districts, it's or their, peculiar suitability for particular uses, and the conservation of property values and the general trend and character of building and population development.

HEIGHT AND BULK OF BUILDINGS:

(b) The regulate and limit the height and bulk of buildings hereafter erected, and regulate and determine the area of yards, courts, and other open spaces and for such purposes divide the Village into districts of such number, shape and area as may be deemed best suited to carry out said purposes. Such regulation should be uniform for such class of buildings throughout each district, but the regulations in one district may differ from those in any other district. Such regulations shall be made in accordance with a plan designated to lessen congestion on the public streets, to promote public health, safety and general welfare, and shall be made with reasonable consideration among other things, to the character of the district, it's peculiar suitability for particular uses, the conservation of property values and the general trend and character of building and population development.

FAMILY LIMITS AND RESTRICTIONS:

(c) To limit and restrict the maximum number of families which may be housed in dwellings hereafter erected or altered, and for such purposes to divide the Village into districts of such number, shape and area as may be deemed best suited to carry out such purpose. Such regulations shall be uniform throughout any specified district, but may differ from the regulations adopted for other districts; and shall be designed to limit the overcrowding of land, to avoid undue congestion of population, to facilitate adequate provision for a system of transportation, sewage disposal, water, education, recreation and other public requirements, and to promote public health, safety and general welfare.

BOUNDARIES

(d) To provide for the manner in which such regulations and boundaries of districts or zones shall be determined and enforced, or from time to time amended, supplemented or changed; provided, however, that a public hearing shall be held before any such regulations shall become effective; and provided, further, that not less than fifteen days notice of the time and place of such public hearing shall first be published in the official paper or a paper of general circulation in the Village, and a hearing be granted to any person interested at the time and place specified. In case a protest against the proposed amendment, supplement or change, be presented, duly signed by the owners of twenty percent or more of the frontage proposed to be altered, or by the owners of twenty percent or more of the frontage immediately in the rear thereof, or by the owners of twenty percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a two-thirds vote of the Commission.

ZONING ORDINANCES

(e) The commission may act as a Board of Appeals upon all questions arising under any Zoning Ordinance that may be adopted, and in such event may fix rules and regulations to govern its procedure sitting as such Board of Appeals. The Commission, may however, in its discretion, appoint a Board of Appeals consisting of five members, each to be appointed for three years. Such Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative office charged with the enforcement of any ordinance adopted, pursuant to the provisions of this Section. Such Board of Appeals shall have such further general powers and duties, and the procedure before such Board shall be, as are contained and provided in Section 5 of Act Z07 of the Public Acts of the State of Michigan of 1921, approved May 17th 1921, so far as the same are applicable, which Section is hereby adopted as a part of this Charter. Also Section 6 of said Act No. 207 is hereby adopted as a part of this Charter.

NUISANCES

(f) Buildings erected, altered, razed, or converted, for uses carried on in violation of any provision of any ordinances passed or regulation made under the provisions of the Section are hereby declared to be a nuisance per se; The Court shall order such nuisance abated and the owner or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se. The Commission shall in any ordinance enacted under the provisions of this section, designate the proper officials whose duty it shall be to enforce the provisions of such ordinance, and the Commission may in such ordinance provide penalties for the violation thereof.

SUBDIVISIONS OF SECTION:

(g) The subdivision of the Section shall be deemed to be severable and should any subdivision or provision of this Section be declared by the Courts to be unconstitutional or invalid, the same shall not affect the validity of the Section as a whole or any part thereof, other than the part so declared to be unconstitutional.

TRADE REGULATIONS:

Part 2. To regulate trade, occupations and amusements within it's boundaries.

LICENSES:

Part 3. The Commission may prescribe the terms and conditions upon which licenses may be granted, and may exact payment of such sum for any license as shall be reasonable and proper; and before issuing a license may require the person receiving the same to execute a bond to the Village in such sum as the Commission may prescribe, with one or more sufficient sureties, conditioned for a faithful performance of the laws relating to the Village and the ordinances of the Commission and otherwise conditioned as the Commission may prescribe. Every license shall be revocable by the Commission at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the Commission, the person holding such license shall, in addition to all other penalties imposed, forfeit all payment made for such license. And the Commission may provide for punishment, by fine or imprisonment, or both, of any persons who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the Commission.

BEST INTEREST OF THE VILLAGE:

Part 4. To do any act or thing not forbidden by State or National laws, which it shall deem to be for the best interests and welfare of the Village, and it's inhabitants, and no enumeration of the powers conferred in this Charter, or under the Constitution and laws of the State, shall be held or deemed to be exclusive of others not herein enumerated, it being the intent of this Charter to confer upon the Village all the powers that a village may possess at any time under the Constitution and laws of the State.

ACQUIRE OF PROPERTY:

Part 5. The Village may acquire any real or personal property or any right, title or interest therein, either in or out of the Village, for any purpose, by gift, dedication, devise or bequest, or it may purchase, lease, lease with the privilege of purchasing, or by condemnation or appropriation, acquire any such property or interest, in or out of the Village, for any public use or purpose, including markets, water works, power or supply, or educational, recreational, parking or docking purposes, libraries; or for correctional, health, and charitable institutions, sewage and garbage, disposal plants, cemeteries, or for carrying out, making effective, protecting or preserving any street, boulevard, park, water supply, public grounds or Village planning system, including not only such property as may be directly necessary therefore, but also such remnants and excess over what is directly essential as may be needed for the protection of preservation of such plan or system, whether for the protection or preservation of such plan or system, whether the same is immediately necessary or not.

PUBLIC UTILITIES:

Part 6. The Village also in any of the ways above mentioned may acquire the franchise and property of, or may construct, establish, lease, operate, regulate or fix the rates to be charged by, any and all kinds of public utilities to supply service to the Village or its inhabitants, for domestic, commercial or municipal purposes, within or without the Village, subject to the laws of the State.

VILLAGE PROPERTY:

Part 7. The Village may hold, control, manage, use, operate, sell, lease, mortgage, pledge, change the use of, dispose of with restrictions on the use of, vacate or abandon, any of its property without reversion to the original owner, grantor or his heirs, and may make all needful rules and regulations for such property, or for carrying out fully the terms, conditions or duties attached to the acquisition thereof.

VICE:

Part 8. To restrain and prevent vice and immorality, and to prohibit and prevent, in the streets or elsewhere in the Village, indecent exposure of the person, the exhibition, sale of, or show of indecent and obscene pictures, drawings, engraving, paintings and books or shows of every kind and nature.

VAGRANTS:

Part 9. To apprehend and punish vagrants, disorderly persons and prostitutes.

NUISANCES:

Part 10. To preserve the public health and to determine and declare what shall be deemed a nuisance, and to prevent and abate the same.

GAMING HOUSES:

Part 11. To prohibit and suppress disorderly and gaming houses.

POOL ROOMS:

Part 12. To regulate, license or suppress billiard tables and rooms and bowling alleys.

GAMBLING:

Part 13. To suppress gambling or gaming in any form.

TAVERNS:

Part 14. To license taverns, restaurants, eating houses, hotels and rooming houses.

CARNIVALS, ETC.:

Part 15. To regulate, license, restrain or prohibit, public shows, carnivals, exhibitions, theaters, moving picture shows, public dances and other amusements.

PEDDLERS:

Part 16. To license auctioneers and pawnbrokers; license and regulate hawkers, peddlers, agents and solicitors, and to regulate or prohibit sales of property at auction except sales made pursuant to some order of court or public law; and to require transient traders, agents and dealers to take out licenses before engaging in business, and may regulate by ordinance the terms and provisions of the same and may regulate the distribution of hand-bills and advertising.

TAXI CABS:

Part 17. To license hacks, taxicabs and other public vehicles.

FOODS:

Part 18. To provide for the inspection and regulate the sale of provisions, foods, beverages, and supplies.

WEIGHTS AND MEASURES:

Part 19. To provide for the inspection of weights and measurer; to enforce the keeping and use of proper weights and measures by vendors, and for the seizure and destruction of incorrect, inaccurate or fraudulent weights and measures, and for the punishment of persons found guilty of defrauding the public by using incorrect, inaccurate or fraudulent weights and measures.

WEIGHTS AND MEASURES INSPECTION:

Part 20. To provide for the inspection and regulation of the weighing or measuring of goods, wares, merchandise, fuel and provisions sold by weights and measures.

EXPLOSIVES:

Part 21. To regulate or prohibit the use, selling of, offering for sale, storing, transportation of, fire-arms, fire-works, combustible or explosive substances or materials within the Village, and to regulate and restrain in the making of fires in the streets, alleys or other open spaces in the Village.

POLICE DEPARTMENT REGULATION:

Part 22. To pass ordinances for the organization and regulation of the Police Department.

FIRED EPARTMENT REGULATION :

Part 23. To pass ordinance for the organization and regulation of the Fire Department, and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits.

HIRED VEHICLES:

Part 24. To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also dairy men, Carmen, truck men, porters, drivers of vehicles or every description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation.

HORSES AND OTHER ANIMALS:

Part 25. To require horses, mules, and other animals attached to any vehicle, or standing in any of the streets, alleys or public places in the Village, to be securely fastened, hitched, matched or held.

RACING:

Part 26. To prevent and punish horse racing and immoderate or reckless RACING driving of horses, automobiles, motorcycles and other vehicles in any street, park, alley, or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate or reckless driving or riding in any street, park, alley, or public place in the Village.

DOG LICENSES:

Part 27. To license dogs, and require that they be muzzled, and to prevent the running at large of dogs, cats, chickens and other fowls and animals, and to authorize their destruction or impounding if found at large, in violation of any ordinance of the Village.

FENCES:

Part 28. To regulate the height and construction of all fences now or hereafter to be built.

BUILDING LINES:

Part 29. To establish lines and grades upon which buildings may be erected and beyond which, such buildings shall not extend. To locate and restrict the location of trades and industries and the location of buildings designed for specified purposes and uses, and may regulate the height and bulk of buildings hereafter erected, and may divide the Village into zones of such number, shape and area as may be best suited to carry out the purpose of this subdivision.

BUILDING REGULATIONS:

Part 30. To regulate the erection and repair of buildings and to prevent the erection and provide for the removal of all buildings deemed unsafe, and to provide a building code.

TRAFFIC :

Part 31. To regulate traffic and the parking of automobiles and other vehicles.

OFFICERS' POWERS AND DUTIES:

Part 32. To declare and define the powers and duties of the officers of the Village, provided the same shall not be inconsistent with the provisions of this Charter.

BONDS:

Part 33. To require the Treasurer and Village Clerk and such other officers of the Village as the Commission shall deem proper, to give bonds for the faithful discharge of their respective official duties.

OFFICERS NEGLECT OF DUTY:

Part 34. To require that the several officers of the Village perform their duties faithfully and to provide proper measures to punish neglect of duty on the part of any officer of the Village.

PUBLIC PROPERTY CARE:

Part 35. To provide for the care, custody and preservation of all of the public property of the Village.

FRAUDULENT GAMES:

Part 36. To prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice same, and all persons aiding the management and practice thereof.

TOY PISTOLS, AIR GUNS, ETC.:

Part 37. To prohibit and punish the use of toy pistols, air guns, sling shots, and other dangerous toys or implements within the Village limits.

BUILDING NUMBERING:

Part 38. To provide for and regulate the numbering of buildings upon the street, alleys, and public places of the Village, and to compel the owners or occupant thereof to affix numbers on the same, and to designate and change the names of public streets, alleys and parks.

CENSUS:

Part 39" To provide for the making of a census of the inhabitants of the Village whenever the Commission shall see fit, and direct and regulate the same.

PUBLIC UTILITIES RATES:

Part 40. To regulate the price to be charged for gas, electricity, and other service rendered by all persons, firms, or corporations owning and operating in the streets, alleys and public places of the Village, wires, pipes and conduits, and to regulate the manner in which all persons, firms, and corporations, operating public utilities shall use the streets, alleys and public places in the Village, and to forbid the erection and maintenance of poles on any or all streets or alleys in the Village and to compel the placing of all wires underground in such streets and alleys as may be designated by the Commission.

RENTS:

Part 41. To lay and collect rents, rolls and excises.

TRADES REGULATION:

Part 42. To regulate trades, occupations and amusements within it's corporate limits.

SALOONS:

Part 43. To regulate and restrict the territory within which saloons for the sale of intoxicating liquors may be located, and within which wholesale liquor houses may be located and within which breweries and distilleries may be located, but nothing in this subdivision shall be construed to permit the licensing of any saloon or to permit the sale of intoxicating liquors, contrary to the provisions of any law of the State of the United States, this Charter, or any ordinance of the Commission.

SPIRITUOUS BEVERAGES:

Part 44. To prohibit the sale of spirituous and intoxicating liquors and beverages within the corporate boundaries of the Village, and to suppress saloons for the sale of spirituous and intoxicating liquors.

POUNDS:

Part 45. To provide, maintain and regulate one or more pounds, and POUNDS may authorize the impounding of all vehicles, beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the Village. The Chief of Police shall be Pound master, ex-officio, without additional compensation or fees; to prescribe the fees for impounding, and the amount of rate of expense for keeping; and the charges to be paid by the owner or keeper of the vehicles, beasts or fowls impounded; to authorize the sale of the vehicles; beasts or fowls for the payment of such fees, expenses or charges, and for penalties incurred, and may impose penalties for rescuing any beast or fowl impounded.

INDIGENTS:

Part 46. To provide for the support and relief of poor and afflicted persons residing within the Village, also for the proper care of the indigent, sick and afflicted; to provide who shall have charge of such work and define his powers and duties; to provide and prevent the bringing into the Village of paupers or any persons likely to become a charge upon the Village.

MARKETS:

Part 47. To establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary for the sustenance and convenience of the inhabitants of the Village.

FENCES - OWNERS':

Part 48. To enact all such ordinances and laws as may be deemed proper, relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land within the Village and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recovery of damages for any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. The Commission may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the Village.

BEQUESTS:

Part 49. To receive bequests, gifts, donations of all kinds of property in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purpose of such bequests, gifts, and donations, with power to manage, sell, lease or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gifts or donation.

LIBRARIES, PUBLIC GROUNDS, ETC.:

Part 50. To provide by purchase, lease, condemnation, construction, or otherwise, and to establish, hold, equip, maintain, conduct, manage and operate libraries, reading rooms, playgrounds, public grounds, parks, boulevards, baths, public toilet and convenience stations, markets, market houses, infirmaries, fire houses, works or plants, for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of any public building, work, improvement or utility, and any and all buildings, establishments, institutions and places which are necessary or convenient for the transaction of public business or for promoting the health, morale, or welfare of the inhabitants of the village, or for their regulation or benefit.

PUBLIC WORKS:

Part 51. To purchase and own real estate as may be necessary for all public works, parks, markets, public docks, boulevards, public buildings and other purposes necessary or convenient for the public good, or for the execution of the power conferred by this Charter, or by the statues of this State; and such buildings and grounds or any part thereof may be sold at public sale or leased as occasion may require; provided, however, no property of the value in excess of ten cents per capita according to the last preceding United States census, nor any park, nor any real estate used in carrying on any public utility, or municipal operation, or any part thereof, shall be sold unless such sale by first approved by three-fifths of the electors voting thereon at any general or special election.

PUBLIC PLAYGROUNDS:

Part 52. To layout, establish or vacate and discontinue public parks and playgrounds within the Village; to improve, light and ornament on of the same and regulate the use thereof; and to protect the same and the appurtenances thereof from obstruction, encroachment and injury; provided, however, that such park or playground shall not be vacated or discontinued except on a three-fifths vote of the electors voting thereon at any general or special election.

PROPERTY OUTSIDE CORPORATE LIMITS:

Part 53. To acquire, own, erect, maintain, manage and control, real estate, buildings, institutions and works outside of the corporate limits of the Village except where prohibited by this Charter or the general laws of this State, and to enforce beyond the corporate limits of the Village and over such lands, buildings, institutions and property, all ordinances and police regulations as may be necessary for the care, protection, control and management thereof in the same manner and to the same extent as if they were located within the Village.

MUNICIPAL GOVERNMENT:

Part 54. To exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government whether such powers are expressly enumerated or not; to do any act to advance the interest of the Village, the good government and prosperity of the Village and it's inhabitants, and through it's legally constituted authority to pass all laws and ordinances relating to the Village concerns, subject to the Constitution and general laws of the State.

STREET CROSSINGS AND RAILROAD TRACKS:

Part 55. To provide for and change the location of grade of street crossing of any railroad tracks; to compel any railroad company or street railway company to raise or lower their railroad tracks to conform to street grades which may be established by the Village from time to time; to construct street crossings in such manner and with such protection to persons crossing thereon, as the Village may require, and to keep then in repair; to require and compel railroad companies to keep flagmen or watchmen at railroad crossings; to regulate and prescribe the speed of locomotives and railroad trains and street railway cars within the Village; and to regulate the obstruction of crossings by trains, engines, cars or otherwise.

DUTIES OF RAIL COMPANIES:

Part 56. To require and compel any railroad company or any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts, along and under or across their railroad tracks, as may be necessary to drain their grounds and right of way properly, and in such manner as the Village Commission shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirements according to the directions of the Village Commission, the Commission may cause the work to be done at the expense of such company and the amount of such expense may be collected at the suit of the Village against the company, in a civil action, before any Court having jurisdiction of the cause.

DOCKS:

Part 57. To provide and regulate the construction, operations, and maintenance of public docks and slip docks and wharves, to levy taxes for the construction and maintenance of public docks, slip docks and wharves; provide for the operation of leasing of said docks to private steamship companies or ferry companies.

GENERAL WELFARE:

Section 17. The Commission shall further have authority to enact all ordinances and to make all regulations consistent with this Charter and the laws and Constitution of this State as they may deem necessary for the safety, order and good government of the Village and general welfare of the inhabitants thereof.

SPECIFIC POWERS:

Section 18. The granting to the Village or Commission of any specific power in this Charter shall not be construed as limiting any general granting of powers unless the intention to so limit, is clearly indicated.

DAMAGES FOR INJURIES RECEIVED ON PUBLIC PROPERTY:

Section 19. The Commission shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the Village, and shall have like authority over the same as is given by the general laws of the State. The Village shall not be liable in damages sustained by any person in the Village, either to his person or property, by reason of any defective street, sidewalk, crosswalk or public highway, or by reason of any obstruction, ice, snow, or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the Village, unless such person shall serve or cause to be served, within sixty days after such injury shall have occurred, a notice in writing, upon the Clerk or Deputy Clerk of the Village, which notice shall set forth substantially the time when and place where, such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold the Village liable for such damages as may have been sustained by him; provided, that the bridges within the limits of this Village, in the highways leading into or through the

Village which have been laid out or shall hereafter be laid out by the Commission of Highways of the township of townships in which said Village is located, or laid out by any other authority other than that of said Village, shall be built, controlled and kept in repair by the township or townships in which the same may be located, the same as if the Village were not incorporate, and the fact that any such highways were laid out and used as such at the time of the incorporation of said Village in the year of AD. 1926, shall be built, controlled and kept in repair by said Village shall be built, controlled and kept in repair by said Village.

SIDEWALKS - HOW MAINTAINED:

Section 20. The Commission shall have control of all sidewalks in the public streets and alleys of the Village, and may prescribe the grade thereof, and change the same when deemed necessary.

They shall have power to build, maintain and keep in repair, sidewalks and crosswalks in the public streets and alleys, and to change the expense of construction and maintaining such sidewalks upon the lots and premises adjacent to abutting upon such sidewalks. The Commission shall also build, re-build and maintain sidewalks in the public streets adjacent to the abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such widths, materials, and manner of construction, and within such time as the Commission shall, by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the Commission may, by a two-thirds vote of all the Commissioners-elect pay such part of the expense of building or re-building, maintaining and keeping in repair, such walk as they may deem proper from the highway fund.

SNOW AND ICE:

Section 21. The Commission shall also have power either by ordinance or resolution to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of, or adjacent to, such lot and premises, and to keep the same from obstructions, encroachments, encumbrances, filth and other nuisances; provided, the Commission may, by a two-thirds vote of all the councilmen-elect, provide by ordinance for the removing of all ice and snow there from, and for keeping the same free from encumbrances and pay the expense thereof from the highway fund.

VILLAGE MAY CONSTRUCT SIDEWALKS:

Section 22. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in Section 19 above, or shall fail to keep the same in repair, or to remove the snow, ice and filth there from, or to remove and keep the same free from obstructions, encroachments, encumbrances, or other nuisances, or shall fail to perform any other duty required by the Commission in respect to such sidewalks, within such time and such manner as the Commission shall require, the Commission may cause the same to be done, and such sidewalks to be constructed or repaired, at the expense of such owner or occupant, and the Commission may cause the amount of all expenses incurred thereby, together with a penalty of ten percent in addition thereto, to be reported to the Assessor, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to

review after proper notice have been given as in all other cases of special assessments provided for by this Charter; and such tax when confirmed shall be lien upon such lot or premises, the same as other special assessments, and the Commission shall order the Assessor of the Village to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other Village taxes; or the Village may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

REGULATION OF SIGNS AND AWNINGS OVER WALKS:

Section 23. The Commission shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, and to regulate, license or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

CREATION OR CHANGE OF STREETS:

Section 24. The Commission shall have power to layout, establish, open, make, widen, extend, straighten, alter, close, vacate or abolish any highway, street, lane alley, sidewalk, sewer, drainage, water course, bridge or culvert in the Village, whenever they shall deem the same a public improvement, or necessary for the public convenience; and if in so doing, it shall be necessary to take or use private property, the same may be taken in the same manner provided in this Charter. The expense of such improvement may be paid by special assessments, upon the property adjacent to, or benefited by such improvements, in the manner in this Charter provided for levying and collecting a special assessment, or in the direction of the Commission, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general highway fund.

VACATION OF STREETS:

Section 25. When the Commission shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley, or public ground, or any part thereof, they shall by resolution, so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Commission may be filed with the Clerk in writing and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a vote of two-thirds of the Commission-elect.

SURVEY OF PUBLIC STREETS:

Section 26. The Commission may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the superintendent of public work in the book of street records, and they shall cause surveys and descriptions of all street, alleys, and public grounds, opened, laid out, altered, extended or accepted and confirmed by them, to be recorded in like manner, and such record

shall be prima facie evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley, or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

GRADE OF STREETS:

Section 27. The Commission shall have authority to determine and establish the grade of all streets, avenues, alleys, and public grounds within the Village, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds, to be made and constructed in conformity with such grade; and the Commission may change or alter the grade of any street, alley or public ground, or any part thereof, whenever in their opinion, the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the superintendent of public works.

COMPENSATION FOR CHANGING GRADE:

Section 28. Whenever the grade of any street or sidewalk shall have heretofore, or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting there from; to be ascertained by a jury as provided in Chapter XII of this Charter, or such damages may be ascertained and agreed upon by and between the Village and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon, as heretofore provided, such damages or such part thereof as the council shall deem equitable and just, shall be paid by the Village, or the Commission may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the Commission shall determine to assess such damages, or may part thereof, upon the property benefited, it shall determine and define a district in the Village which in its Judgment is benefited by the improvement out of which such damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be, to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement out of which such damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets, as provided for in this Chapter; and all of the provisions of Chapter XII of this Charter relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, or when determined upon by the Village, shall be paid to the person entitled thereto.

IMPROVING AND REPAIRING STREETS:

Section 29. The Commission shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues, and alleys, of the Village.

EXPENSE OF BRIDGES, PAVEMENTS AND STREET IMPROVEMENTS:

Section 30. The expense of constructing and maintaining bridges, and the whole or such part as the Commission shall determine, of the expense of improving and working, including grading and gravelling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all property in the Village, subject to the limitations and provisions of Section 32 and 33 of this Chapter. The expense of grading, paving and gravelling or otherwise improving any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street, or part of such expense may be so paid and the remainder may be paid from the general highway fund, as the Commission may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The term "paving" shall include curbing and the construction of cross walks in the paved streets.

PORTION PAID FROM GENERAL HIGHWAY FUND:

Section 31. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the Village, school buildings, or other public buildings or public grounds not taxable, frontage upon such improvement, such part of the expense of such improvement as in the opinion of the Commission or Board of Assessors making the special assessment would be justly apportionable to such public grounds, buildings, and Village property, and to any interior squares or spaces formed by the intersection of streets, were they taxable shall be paid from the general highway fund, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to the frontage would be unjust and disproportionate to the assessment upon other lots, the Commission or Board of Assessors making the assessments may assess such lot for such number of feet frontage as in their opinion will be just.

SPECIAL ASSESSMENT - WHEN MADE:

Section 32. No special assessment to defray the cost and expense of improving any street, lane or alley, or part thereof, by grading, paving or curbing, shall be made upon lands included in a special assessment district to be constituted of the land fronting or abutting upon the street, land or alley, or part thereof proposed to be improved, except as in this Section provided, as follows:

If a petition asking for such improvement shall be received by the Commission and filed with the Clerk, which petition must be signed by the owners of not less than one-half of the feet fronting or abutting upon such street, lane or alley, or part thereof, to be improved, then the Commission may make such improvement, and make a special assessment therefore as in this Charter provided. Such petition shall be signed by the owners of such abutting property, signatures to be followed by a statement of the number of feet frontage and description of the property owned by each, respectively. Such petition shall be verified by the affidavit of the owners or some proper person or persons, with knowledge that said signers are such owners and that said signatures are genuine.

The Village Engineer shall certify to the Commission the total number of feet frontage abutting upon said proposed improvement.

Notice of the filing of the aforesaid petition for paving shall be given in the notice of the meeting of the Commission to hear objections to the making of the improvement, and objections to the sufficiency of the petition may be made at such meeting. The determination of the Commission, after such hearing, shall be final, as to the sufficiency of the petition.

REPAVING AND REPAIRING STREETS:

Section 33. No special assessment shall be made to defray the cost of any portion of the cost, of repaving or repairing any street, lane or alley.

STREET REGULATIONS: OBSTRUCTION IN STREETS:

Section 34. The Commission shall have power to prohibit and prevent obstructions and encumbrances in, and encroachments upon the public highways, streets, and alleys of the Village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment upon or in, any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance or encroachment.

REGULATION OF SHADE TREES AND ORNAMENTS:

Section 35. The Commission may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the Village, and for the protection there of, and the trimming of all trees in or that overhang such highway, streets or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamp posts therein and protect the same.

REGULATION OF EXCAVATION OF STREETS:

Section 36. The Commission may regulate the making of all opening in the removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the Commission, and at such times and upon such terms and regulations as they may prescribe.

USE OF HIGHWAYS AND PUBLIC GROUNDS:

Section 37. The Commission may regulate the use of public highways, streets, avenues, and alleys of the Village, subject to the right of travel and passage thereon. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and the sales in the streets and upon sidewalks; to regulate or prohibit the display of goods and merchandise or the display, use, or placing of billboards, signs, advertisement, banners, awnings, posts, poles or lamps in or over the streets; to regulate or prohibit all such sports, amusement

proceedings and gathering of crowds in the streets as may interfere with lawful use thereof, or render travel or passage therein, inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the Village, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them for the creation or maintenance thereof, and generally to prescribe and to enforce all such police regulations, over and in respect to, the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the Commission shall have the same authority and the powers herein, in respect to the public streets of the Village as are conferred by law upon highway commissioners in townships.

SEWERS:

Section 38. The Commission of this Village may establish, construct and maintain sewers, drains and water courses whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the Village; and private property, or the use thereof, may be taken therefore, in the manner provided by this Act for taking private property for public use. But in all cases where the Commission shall deem it practicable, such sewer, drain and water courses shall be constructed in the public streets and grounds.

MAY ACQUIRE LAND FOR DISPOSAL OF SEWAGE:

Section 39. Said Village may acquire, by purchase or condemnation proceedings, land without its corporate limits necessary for the disposal of sewage or the obtaining or protecting of a water supply for the village or the inhabitants thereof. The jury in condemnation proceedings shall consist of twelve freeholders drawn from the body of the county, and if they shall determine that such use is necessary, and that the use proposed will not materially insure the health or safety of persons living adjacent to the land, they shall award the compensation to be paid therefore. Other proceedings in such cases shall conform to the general law authorizing cities and villages to take or hold land or property outside of their corporate limits as contained in Chapter 90 of the Compile Laws of 1897.

EXPENSE OF CONSTRUCTION OF SEWERS:

Section 40. The expense of constructing sewers, drains, and water courses may be paid by general tax upon all the taxable property in the Village; or such expenses may be defrayed by special assessment upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the Commission shall determine may be defrayed by special assessment, and the remainder may be paid by general tax.

NOTICE AND HEARING:

Section 41. Before proceeding to the construction of any sewer, drain or water course, the expense or any part of the expense of which is to be defrayed by special assessment, the Commission shall cause a

map to be made of those lands and premises which in their opinion will be benefited by the drainage, and which they intend to assess for the cost of the sewer or drain.

Said lands shall constitute a sewer district; and said map shall show the district and the proposed route and location of the sewer through the same; also its depth, grade, and dimensions. Said map, with an estimate of the cost of the proposed work, shall be deposited with the Clerk, and notice shall be given by publication in a newspaper of general circulation in the Village for two weeks or by posting copies of such notice for the same length of time, in three public places in the district affected of the intention to construct the sewer or drain, and where the map and estimates aforesaid can be found, and appointing a time when the Commission will best to hear any suggestions and objections from persons interested or liable to be assessed for the work.

RESOLUTION - WHAT TO SET FORTH:

Section 42. When the Commission shall determine to construct any such sewer, drain or water course, they shall so declare by resolution, designating the lands or district to be assessed, and describing by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade and dimensions of the work, and shall state in the same resolution what part of the expense, if any, is to be paid by general tax, and what part by special assessment, according to the benefits; such map and diagram, as adopted, shall be filed with the Village Engineer.

SPECIAL ASSESSMENT FOR CONSTRUCTION:

Section 43. Special assessments for the purchase aforesaid shall be made in the manner provided in Chapter VIII of this Charter.

PRIVATE DRAINS MAY BE REQUIRED:

Section 44. Whenever the Commission shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains there from to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisances; and if such private drains are not constructed and maintained according to such requirement, the Commission may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be lien upon the premises drained, and may be collected by special assessment to be levied thereon.

CONNECTIONS WITH PUBLIC SEWERS:

Section 45. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains under such rules and regulations as the Commission shall prescribe.

EXPENSE OF DITCHES:

Section 46. Such part of the expense of providing ditches and improving water courses, as the Commission shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

EXPENSE OF RECONSTRUCTION:

Section 47. The expense of repairing public sewers, ditches and water courses may be paid by general tax. The expenses of reconstructing public sewers may be defrayed in the manner herein prescribed, for paying the expenses of the construction thereof.

PROTECTION OF SEWERS:

Section 48. The Commission may enact ordinances as may be necessary for the protection and control of public drains and sewers, and to carry into effect the powers herein conferred, in respect to the drainage of the Village.

MARKETS:

Section 49. The Commission shall have the power to establish and regulate market and market places, for the sale of meats, fish, vegetables, and other provisions and articles necessary for the sustenance and convenience of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

REGULATION OF USE OF MARKETS:

Section 50. The Commission may adopt and enforce such regulations and may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate arrest, and removal from the market, of any person violating such regulations, together with any article in his possession, and may authorize the inspection of each article of food or beverage offered or exposed for sale and the seizure and destruction of tainted or unsound meats and impure or adulterated or falsely labeled foods or beverages, or other provisions exposed for sale in any store, stand, public market, or elsewhere in the Village.

PUBLIC HEALTH - CONSERVATION OF:

Section 51. The Commission of said Village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the Village or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the Village, as the Commission may prescribe and the public safety may require.

NUISANCES - DANGERS TO HEALTH:

Section 52. The President of Health Officer shall each have power to prevent and remove or abate all nuisances dangerous to life or health within the Village; and may require any person, corporation or company causing such nuisance. and the owner or occupant of any lot or premises upon, or in which, any such nuisance or cause of disease may be found, to remove or abate the same upon such notice, and within such time and such manner as the Commission may, by ordinance or resolution, direct.

DRAINAGE OF CELLARS, VAULTS, ETC.:

Section 53. If any cellar, vault, lot, sewer, drain, place or premises within the Village shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offense exhalations, the Commission or Health Officer may require the same to be drained, filled up, cleansed or purified by the owner or occupant, or person in charge of such lot, premises or place, and may require the owner or occupancy of any building, fence or structure which may be ruinous, or liable to fall and injure person or property, to pull down or remove the same, or the Commission may cause any of the foregoing things to be done by any officer of the Village.

EXPENSE OF DRAINAGE PREMISES:

Section 54. If the owner or occupant of any lot or premises, when required by the Commission or Health Officer to remove any unsafe building or structures, or to cleanse, purify or drain such lot or premises, or to abate or remove any nuisance there from, shall neglect to do so, the Commission may cause the same to be done under the direction of any officer of the Village, and if the Commission shall incur any expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the Village in an action of debt or assumpsit against the owner or occupant of any such lot or premises.

TRADES, OFFENSIVE OR DANGEROUS TO PUBLIC:

Section 55. The Commission, when it shall deem it necessary, may from time to time, assign, by ordinance, certain places for the exercise of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned or in any other place of the Village, shall become hurtful and dangerous to the health of the neighborhood, the Commission may prohibit the further exercise of such business or employment at such place or in the Village.

MAY APPOINT OFFICERS AND EMPLOYEES OF HOSPITAL:

Section 56. The Commission may provide for the appointment of the necessary officers and employees for the management of the Village hospital and for the care and treatment entering of such sick and diseased persons as to the Commission health officer of the Village shall seem proper; and by direction of the Commission or health officer, persons having any malignancy, infectious or contagious disease, may be removed to such hospital, and there detained, and treated, when the public

safety may so require; and the Commission may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

EXERCISE POWERS OF BOARDS OF HEALTH:

Section 57. The Commission shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and made for exercising such powers.

BOARD OF HEALTH - ESTABLISHMENT OF:

Section 58. When the Commission shall deem it necessary, it may subject to the provisions of this Charter, establish a board of health for the Village, and appoint officers therefore, and make rules for its government, and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

AMENDED - SPECIAL ASSESSMENT ON WATER COURSES

ADOPTED JULY 8, 1930

AMENDMENT TO SECTION 59, CHAPTER VII OF THE CHARTER FOR THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN, WITH RESPECT TO SPECIAL ASSESSMENT ON WATER COURSES

Section 59. The Commission shall have and it is hereby given power to use, control and regulate the streams, waters and water courses within it's corporate limits, and to that end, the Commission shall, subject to this Charter, the State and National Laws, when it deems same essential for the health, safety, utility or beautifying purposes, deepen, widen, bridge, dam, dock, cover, wharf, alter or change the channels thereof, establish and build dock lines therefore, provide flood protection there from, by means of sea walls and otherwise, use such streams, waters and water courses, and control and regulate the use thereof by others, with the same power to levy special assessments for such purposes in the manner provided in Chapter VIII of this Charter for levying special assessments.

Yes - 138

No - 009

CHAPTER VIII

IMPROVEMENTS AND ASSESSMENTS

COST AND EXPENSE OF IMPROVEMENTS:

Section 18 The cost and expense of the following improvements, including the necessary lands therefore, viz.; for public buildings and offices; for the use of the Village officers, engine houses and structures for the fire department, for waterworks, for lighting purposes, parks and village prisons, shall be paid from the proper general funds of the Village. When, by the provisions of this Charter, the cost and expense of any local or public improvement may be defrayed in whole or in part by special

assessment upon lands abutting upon the adjacent to, or otherwise benefited by the improvement, such assessment may be made as in this Charter provided.

RESOLUTIONS - WHAT TO CONTAIN:

Section 2. When the Commission shall determine to make any public improvement and defray the whole or part of the costs and expenses thereof, by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expense thereof shall be paid by special assessments, and what part, if any, from the general fund of the Village, and shall designate the district or lands and premises upon which the special assessment shall be levied.

PUBLIC IMPROVEMENTS:

Section 3. Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the Commission shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the Clerk for public examination; and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed and of the time when the Commission will meet and consider any objections thereto, by publication once each week for two weeks at least, in a newspaper of general circulation in the Village, to be designated by the Commission, and by posting notices in three public places in each district.

COSTS - WHAT INCLUDED IN:

Section 4. The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction.

PROPOSALS FOR IMPROVEMENTS:

Section 5. Before any special assessment shall be directed to be made, to defray the cost, or any portion thereof, of any improvement to be made by contract, the Commission shall advertise in such manner as it may determine, for proposals for making said improvements and receive the open the same.

SPECIAL ASSESSMENTS - WHEN LEVIED:

Section 6. Special assessment, to defray the estimated cost of any improvement, shall be levied before the making of the improvements

SPECIAL ASSESSMENTS - PROPORTION OF:

Section 7. When any special assessment is to be made pro rata upon the lots and premises in any special assessment district, according to the frontage or benefits, the Commission shall by resolution, direct the same to be made by the assessor and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises, or locality

constituting the district to be assessed. Upon receiving such order and directions the assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the Commission and the provisions of this Charter, applicable to the assessment, and when such assessment is completed he shall report the same to the Commission. If the assessment is required to be according to the frontage, they shall assess each lot or parcel of land, such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvements bears to the whole frontage of all the lots to be assessed, unless, on account of the shape or size of any lot, and assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

NOTICE OF HEARING IN SPECIAL ASSESSMENT:

Section 8. When any special assessment shall be report by the assessor to the Commission, as in this Charter directed> the same shall be filed in the office of the Clerk, and numbered consecutive. Before adopting the assessment, the Commission shall cause notice to be published for two weeks at least in a newspaper of general circulation in the Village to be designated by the Commission, and shall also cause notice to be posted in three public places in the district for the same length of time, of the filing of the same with the Clerk, and designating a time and place when and where the Commission and the Assessor will meet to review the assessment and to hear any objections thereto.

HEARING ON SPECIAL ASSESSMENT:

Section 9. At the time appointed for that purpose aforesaid, the Commission and Assessor shall meet, and there, or at some adjourned meeting, review the assessment and hear any objections to any assessment which may be made by any person deeming himself aggrieved there and the Commission shall correct the same if necessary, and confirm it as reported, or as corrected; or they may refer the assessment back to the Board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the Clerk shall enforce a certificate thereof upon the roll, showing the date of confirmation.

CONFIRMED BY COMMISSION:

Section 10. When any special assessment shall be confirmed by the Commission, it shall be final and conclusive.

SPECIAL ASSESSMENT A LIEN - FROM WHAT DATE:

Section 11. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the respective owners of the several parcels so assessed until paid.

HOW PAYABLE:

Section 12. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the Commission shall determine, with annual interest at a rate not exceeding six percent per annum, but the whole assessment after confirmation may be paid to the Village Treasurer at any time in full, with the proportionate interest thereon.

WHEN DUE:

Section 13. All special assessments, except such installments thereof as the Commission shall make payable at a future time, as provided in the preceding Section, shall be due and payable upon confirmation.

ROLL FOR EACH INSTALLMENT:

Section 14. If any special assessment shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the person assessed.

UNCOLLECTED AMOUNTS - WHEN APPORTIONED:

Section 15. Should any lots and lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the Commission may require the Assessor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division.

EXCESS OR DEFICIENCY:

Section 16. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the Commission may make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

RE-ASSESSMENT - WHEN:

Section 17. Whenever any special assessment shall, in the opinion of the Commission, be invalid by reason of the irregularity or uniformity in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Commission shall, whether any part of the assessment have been paid or not, have power to cause a new assessment to be paid. All the proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for

the original assessment and whenever any sum or any part thereof levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment of said premises, and re-assessment shall to that extent be deemed satisfied.

LIEN NOT DESTROYED BY JUDGMENT OR DECREE:

Section 18. No judgment or decree, nor any of the Commission vacating a special assessment shall destroy or impair the lien of the Village upon the premises assessed, for such amount of assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.

TREASURER'S WARRANT:

Section 19. When any special assessment shall be confirmed and be payable as herein before provided, the Commission may direct the assessment so made in the special assessment roll to be collected; and thereupon, the Village Clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the Village Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of goods and chattels of such person, and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

TREASURER TO COLLECT:

Section 20. Upon receiving such assessment roll and warrant, the Treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the Treasurer shall seize and levy upon any personal property found within the Village or elsewhere within the County, or within any adjoining County, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the Village or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

TREASURER MAKES RETURN TO CLERK:

Section 218 The Treasurer shall make return of said assessment roll and warrants to the Clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the Treasurer shall attach to his return a statement, verified by affidavit, containing a list of persons delinquent, and a description of the lands and premises upon which the assessments remain unpaid, and the amount unpaid on each.

RENEWAL OF TREASURER'S WARRANT:

Section 22. Said warrant may be renewed from time to time by the Clerk, if the Commission shall so direct, and for such time as they shall determine, and during the time as such renewal, the warrant shall have the same force, and the Treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the Treasurer unpaid, as aforesaid, the same may be transferred and reassessed in the next annual Village tax roll, in a column headed "Special Assessment," with interest included at the rate of ten percent per annum from the date of confirmation of the assessment, and be collected and paid in all respects as provided for the collection of village taxes.

COLLECTION BY SUIT:

Section 23. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the Village against any person assessed, in action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order of resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the Village to recover judgment therefore.

ASSESSMENTS NOT REQUIRED TO BE PRO RATA:

Section 24. When any expense shall be incurred by the Village upon or in respect to any separate or single lot, parcel of land, or premises, which, by the provisions of this Charter, the Commission is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, an account of the labor or services for which expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon, or in respect to which, the expense was incurred, and the name of the owner or persons chargeable therewith, shall be reported to the Commission in such manner as the Commission shall prescribe.

SPECIAL ASSESSMENT:

Section 25. The Commission shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which same shall be levied, as a special assessment; and as often as the Commission shall deem it expedient they shall require all the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively to be reported by the Clerk to the Assessor for assessment.

ROLL PREPARED BY ASSESSOR:

Section 26. Upon receiving the report mentioned in the preceding Section, the Assessor shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed to be levied upon each of such lots or premises respectively and when complete they shall report the assessment to the Commission, and thereupon the same proceedings shall be had, and with like effect as is provided in this Chapter in other cases of special assessments;

except that notice of the meeting to review and hear objection to the special assessments provided for in this and the two preceding Sections shall be given by publication only, in the manner provided in Section 8 of this Chapter.

CHAPTER IX
TAXATION AND ASSESSMENT

GENERAL TAXES:

Section 1. The Commission of the Village of Estral Beach shall have authority, within the limitations herein prescribed, to raise annually by general tax upon the real and personal property liable to taxation in said Village such sum of money as they shall deem necessary to defray the expenses and pay the liabilities of said Village and to carry into effect the powers of this Charter granted.

GENERAL FUNDS:

Section 2. All revenues raised by general tax upon all the property in the Village, or by loan to be repaid by such tax, shall be divided into so many of the following funds as are necessary:

First: General Fund - To defray the general expenses and liabilities of the corporation and to carry into effect the powers in this Charter granted, except as in this Section set forth.

Second: Highway Fund - To defray the expenses of opening, widening, extending, altering, and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling, and otherwise improving, repairing and clearing streets, alleys and public grounds of the Village, and for the construction and repair of sidewalks and cross walks and for the care thereof, and for the construction and repair of bridges therein.

Third: Interest and Sinking Fund - To pay the bonded debt of the Village, if any, and the interest thereon.

Fourth: Such other funds as the Commission may from time to time constitute.

AMOUNT OF GENERAL TAX COMMISSION MAY RAISE:

Section 3. The aggregate amount which the Commission may raise by general tax upon the taxable real and personal property in this Village, for any and all purposes of the corporation, shall not, except as herein otherwise provided, exceed in any one year, two percent of the assessed value of such property.

AMENDED - AMOUNT OF GENERAL TAX COMMISSION MAY RAISE

ADOPTED JULY 8, 1975

AMENDMENT TO SECTION 3, CHARTER IX OF THE VILLAGE OF ESTRAL BEACH, MONROE COUNTY, MICHIGAN, WITH RESPECT TO AMOUNT OF GENERAL TAX COMMISSION MAY RAISE:

Section 3. Total amount of millage may be assessed by Village Commission for general tax upon taxable real and personal property in the Village during any taxable year, for any and all purposes shall not exceed 10 mills (1 %) of the assessed value of such property.

Yes - 55

No - 28

PURPOSE OF SPECIAL ASSESSMENTS:

Section 4. The Commission may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the district in proportion to frontage or benefits, such sums as they shall deem necessary to defray the costs of such improvements, subject to the limitations in this Charter provided. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys borrowed therefore.

ANNUAL FINANCIAL STATEMENT:

Section 5. On or before the third Monday in January, of each year, the Commission shall audit and settle the accounts of the Treasurer and other officers of the Village, and so far as practicable, of all persons having claims against the Village, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding fiscal year, which statement shall distinctly show the amount of all taxes raised during the year for all purposes, and the amount raised for each fund; and the amount levied by special assessment; and the amount collected on each; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the same for each purpose, separately, and containing such information as shall be necessary to a full understanding of the financial concerns of the Village. Said statement, signed by the President and Clerk, shall be filed in the office of the Clerk, and a copy thereof published during the last week in January of each year, in a newspaper of general circulation in the Village, designated by the Commission.

ASSESSMENT ROLL:

Section 6. The Assessor of said Village shall, on or before the third Monday in May, in each year, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the Village, and the name of the owner, agent or person liable to pay taxes thereon, if known, and shall set down in such roll the valuation of such property, at its true value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing supervisors of townships performing like services unless otherwise in this Charter provided.

NOTICE OF REVIEW OF ASSESSMENT ROLL:

Section 7. Immediately after the completion of such assessment roll, the Assessor shall give notice thereof, and of the time and place in said Village, when and where the assessment will be reviewed and that any persons deeming themselves aggrieved by the assessment may then be heard. Such notice shall be given by posting copies thereof in six public places in the Village, not less than seven days before the day of review, and by publishing the same once in a newspaper of general circulation in the Village, designated by the Commission, not less than seven days before the day of review.

BO ARD OF REVIEW - POWERS AND DUTIES:

Section 8. At the time appointed for the review, the Board of Review, as herein before constituted, shall meet at the place designated in the notice and continue in session two days, for the purpose of reviewing and correcting such assessments; and for such purpose the Board of Review shall have the same powers and perform like duties in all respects, as are by general law conferred upon and required by boards or review in townships, in reviewing assessments in townships. They shall hear the complaints of all persons considering themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as they shall deem just.

CHANGES IN ROLL:

Section 9. Said Board of Review shall make a record of all changes made in the roll, which record shall be signed by them and deposited with the Clerk.

ROLL TO BE CERTIFIED TO COMMISSION:

Section 10. Immediately after the review of the assessment roll as aforesaid, the Board of Review shall certify the roll under their hands to the Commission.

COMMISSION TO DETERMINE THE AMOUNT TO BE RAISED BY TAX:

Section 11. The Commission, after the examination of the assessment roll, shall determine the several amounts which they require to be raised by general tax for the several general funds of the Village, and the aggregate thereof~ and shall certify the same to the Village Treasurer. When such general taxes shall be received by the Treasurer, they shall be apportioned to the several general funds of the Village pro rata according to the several amounts of said funds so certified.

ROLL TO BE CERTIFIED TO ASSESSOR:

Section 12. The Commission, after such examination of the assessment roll, shall certify the same to the Assessor, together with the total amounts which they require to be raised by general tax; and all amounts of special assessments which they require to be re-assessed upon lands, premises, or against any person, with a particular description of the lands and property to be reassessed, and the amounts to be re-assessed upon each parcel of land, and the names or names, so far as known, of the persons chargeable with such tax, which certificated, endorsed upon or annexed to the roll, shall be signed by the President or Clerk.

ASSESSOR SHALL APPORTION AMOUNTS IN ROLL:

Section 13. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding Section, the Assessor shall proceed to estimate, apportion and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuation, the respective sums in dollars and cents, apportionable to each; placing the general taxes in one column; and the total of all taxes assessed to each valuation shall be carried into the last column of the roll.

TREASURER'S WARRANTS:

Section 14. After extending the taxes as aforesaid, and not later than the third Monday of June in each year, the Assessor shall cause such assessment roll, certified under his hand, to be delivered to the Treasurer, with the warrant of the President of the Village annexed thereto, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names, as a tax assessment, and authorizing him. In case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein, to be named not less than thirty not more than ninety days from the date of said warrant. The President may renew said warrant from time to time, by order of the Commission, and for such time as the Commission shall direct; provided, that the time shall not be extended later than the third Monday of October in any year.

COLLECTION OF TAXES:

Section 15. Immediately upon receiving the tax roll, with the warrants thereto annexed, as provided in the preceding Section, the Treasurer shall proceed to collect the taxes levied therein according to the direction of said warrant.

SALE OF PERSONAL PROPERTY TO SATISFY TAXES:

Section 16. In case any person shall neglect or refuse to pay any tax imposed upon real or personal property belonging to him, as aforesaid, the Treasurer shall levy the same by distress and sale of the goods and chattels of the said person liable to pay the same, whenever such goods and chattels may be found whether-in-said Village or elsewhere in the County of Monroe, or in the adjoining county, first giving public notice of such sale in the manner and for the time required by Law in case of such sales made by township treasurers, and for such purpose for the collection of the taxes aforesaid, the Treasurer may bring suit therefore, and shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of township treasurers, in the collection of taxes levied in townships.

TREASURER'S RETURN TO COUNTY TREASURER:

Section 17. Within two weeks after the expiration of the time limited in the warrant for the collection of the taxes levied in said roll, or within two weeks after the time to which said warrant may have been renewed or extended, if the Treasurer has been unable to collect any of the taxes on his roll on real property, it shall be his duty to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returns by township treasurers. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected, under the provisions of the general tax laws of the State, and the same rate of interest and all amount of charges shall be collected thereon, and all taxes upon lands so returned upon lands shall be collected thereon, and all taxes upon lands so returned upon lands as delinquent shall be and remain a lien thereon until paid.

SALE AND REDEMPTION OF LANDS:

Section 18. Moneys received for such sale shall be paid over to the Village Treasurer. All the provisions of the general tax law relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes, assessed under the provisions of this Charter.

TREASURER MAY BRING SUIT:

Section 19. Whenever the Treasurer shall be unable to collect any tax assessed upon personal property in the Village, it shall be lawful for the Treasurer of the Village to bring suit, in the name of the Village, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their township for such purposes, shall apply.

COMMISSION MAY BORROW IN ANTICIPATION OF TAXES:

Section 20. The Commission may borrow, in any year, in anticipation of the collection of taxes for the same year, such sum as may be necessary to defray current expenses. The money so borrowed shall be so repaid from such tax when collected.

BONDS MAY BE USED IN ANTICIPATION OF SPECIAL ASSESSMENTS:

Section 21. The Commission is authorized and empowered to issue bonds in the amount of any special assessment, or to the amount of the aggregate of all the installments of a special assessment, in anticipation of the collection thereof. Such bonds shall draw interest not exceeding six per cent per annum as the Commission may determine, and shall be payable out of the special assessment district fund when the assessment is collected. Such bonds shall be payable in two years, or less, as the Commission shall determine from the time limited for the collection of the special assessment by the Village Treasurer. If the assessment is divided into installments, the bonds shall be apportioned against the amounts of the several installments as the Commission may determine, and shall severally be payable in two years or less from the time for the collection of the several installments by the Village

Treasurer. The assessment, when collected, shall be set apart into a separate fund for the payment of such bonds. Contractors for the construction of street pavements and sewers may be required to take their pay in said bonds. Said bonds in no event shall be sold, or otherwise disposed of, at less than par value.

MAY RAISE ADDITIONAL TAX:

Section 22. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings or for other necessary corporate purposes, that can be raised by the Commission under the foregoing provisions of this Chapter, such amount may be raised by tax, if authorized by a three-fifths vote of the electors voting by ballot, upon the question at an annual or special village election; provided that the total amount that may be raised by general tax in any year, under all the provisions of this Charter, shall not exceed one and one-half percent of the assessed valuation of the property in the Village, as shown by the last preceding tax roll made therein.

THREE-FIFTHS VOTE REQUIRED TO BORROW:

Section 23. Whenever any sum of money shall be required for the purchase of grounds for erecting public buildings, or for any other necessary corporate purpose, such amount or a part thereof, within the limitations provided by this Charter, may be raised by loan, if authorized by a three- fifths vote of the electors voting by ballot, upon the question at an annual or special village election.

NOTICE OF SUBMISSION TO VOTE:

Section 24. The proposition to raise the additional amount by tax, as provided in Section 22 of this Chapter, or the proposition to raise by loan, money for any necessary corporate purposes, as provided in the preceding Section, shall be submitted to a vote of the qualified electors at the annual village election or at a special election to be called for that purpose, notice of which shall be given in the manner prescribed in Chapter IV of this Charter.

MONEY - HOW DRAWN FROM TREASURY:

Section 25. No money shall be drawn from the Treasury except in pursuance of the authority and appropriation of the Commission, and upon the warrant of the Clerk, countersigned by the President. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the Treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the Village.

REQUIREMENTS AS TO BOND ISSUE:

Section 26. No loans shall be made by the Commission, or by its authority, exceeding the amounts prescribed in this Act. For any loans lawfully made, the bonds of the Village may be issued bearing a legal rate of interest. A record showing the dates, numbers, and amounts of all bonds issued, and when due, shall be kept by the Clerk. When deemed necessary by the Commission to extend the time of

payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the Village.

Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

FORM OF BOND:

Section 27. Every bond issued by the Village shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of leasing money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such Village to sign or issue any such bond without such matters are set forth on the face of the same, as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the County Jail for a period not exceeding one year, or both such fine and imprisonment in the discretion of the court.

BORROWING LIMIT:

Section 28. No indebtedness shall be incurred by the issue of bonds or otherwise in any sum which shall exceed ten per centum of the assessed valuation of the real and personal property within the Village subject to taxation as shown by the last proceeding assessment roll of the Village. Moneys on hand in a sinking fund, limited to the payment of indebtedness may be treated as a reduction of such indebtedness so that extent; provided that in case of fire, flood or other calamity requiring any emergence fund for the relief of the inhabitants of the Village or for the repairing or rebuilding of any of its village buildings, works, bridges or streets, the Commission may borrow money due in not more than three years and in an amount not exceeding one-fourth of one per centum of the assessed valuation of the Village, notwithstanding such loan may increase the indebtedness of such village beyond the limitations fixed by this Charter.

PROPERTY SUBJECT TO TAXATION:

Section 29. The real and personal property subject to taxation for the municipal purposes of this Village shall be the same as for State, County and school purposes under the general law of the State.

NOTICE OF INTENTION TO CONTEST SPECIAL ASSESSMENT:

Section 300 Unless within sixty days from the date on which any special assessment is confirmed by the Commission, notice is given in writing to the Commission of the intention of contesting or enjoining the collection of any such special assessment for the construction of any pavement, or the construction or repairing of any sidewalk, sewer or other public improvement, which notice shall state the grounds on which the proceedings are to be contested. no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment.

CHAPTER X.
WATER WORKS

AUTHORITY OF VILLAGE:

Section 1. Said Village shall have authority to purchase or construct and maintain water works for the introduction of water into the Village and supplying the Village and the inhabitants thereof with pure and wholesome water; for the extinguishment of fires; the ordinary and extraordinary uses of the inhabitants thereof, and for such other purposes as the Commission may prescribe.

MAY ACQUIRE GROUNDS, ETC.:

Section 2. Said Village may acquire, purchase, erect and maintain such reservoirs, aqueducts, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction, and maintenance of such water works.

MAY BORROW MONEY AND ISSUE BONDS:

Section 3. It shall be lawful for said Village, subject to the limitations of this Charter, to borrow any sum of money to be used exclusively for the purpose of purchasing, constructing, maintaining and extending water works, as provided in the two preceding Sections. The Commission shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this Chapter, and to issue bonds of the Village therefore, but the rate of such interest shall not exceed six percent per annum. Such bonds shall not be sold for less than their par value.

THREE-FIFTHS VOTE OF ELECTORS VOTING REQUIRED TO BOND:

Section 4. Before any money shall be borrowed for the purchase construction or extension of water works, in the Village, the Commission shall cause to be made an estimate of the expense thereof and the question of raising the amount required for such purpose shall be submitted to the electors of the Village at its annual election, or at a special election called for that purpose by the Commission, as provided in this Charter, and shall be determined as three-fifths of the electors voting at such election by ballot shall decide.

REPAIR, ALTERATIONS, ETC.:

Section 5. The Commission may raise and expend in maintaining and making repairs, alterations, or in extending such works, such sum as it may see fit, without submitting the question to the electors of the Village; provided, that the sum to be raised for such purpose shall be included in and shall not cause to be exceeded the total amount which, by this Charter, the Commission is authorize to raise by tax in anyone year.

CONNECTING PIPES:

Section 6. The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant with the main pipe until a permit therefore shall be obtained by the Commission. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

WATER RATES:

Section 7. The Commission shall establish a scale of rates to be charged and paid for supply of water, used either by meter measurement or flat rate, to be called water rates, and which rates shall be appropriate to different classes of buildings in the Village, with reference to their dimension, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories garages, livery stables, barns, and all other buildings, establishments, and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and 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, 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.

CARE AND CONTROL OF WATER WORKS:

Section 8. The Commission may enact such ordinances, and adopt such resolutions, as may be necessary for the care, protection, preservation, and control of the water works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this Chapter, and the powers herein conferred in respect to the construction, management and control of such water works.

USE OF WATER FROM WATER WORKS:

Section 9. The Commission may enact such ordinances and adopt such resolutions as may be necessary to regulate and control the taking, and use of water, from the water works.

WATER WORKS - WHERE LOCATED:

Section 10. When the Commission shall deem it for the public interest, such water works may be purchased or may be constructed and maintained 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, machines and other property belonging to and connected with each water works, 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 deem necessary for the care, protection, preservation, management and control thereof.

MAY USE STREETS AND ROADS IN COUNTY:

Section 11. For the purpose of operating of 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 re-laid and restored to its usual state without unnecessary delay and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and re-laying water pipes upon like conditions.

APPROPRIATION OF PRIVATE PROPERTY:

Section 12" If it shall be necessary, in the judgment of the Commission, to appropriate private property for the construction and maintenance, or forth due operation of water works, 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 in this Charter for the taking of private property for public use.

COMMISSION MAY CONTRACT FOR SUPPLY OF WATER:

Section 13. The Commission may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of the Village and the inhabitants thereof, with water, upon such terms and conditions as may be agreed and may grant to such person, persons, or corporation the right to use 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 water for the use of the Village, and the inhabitants thereof, upon such terms and conditions as shall be specified in such contracts.

CHAPTER XI

LIGHTING

MAY PURCHASE OR CONSTRUCT LIGHTING SYSTEM:

Section 1. The Village of Estral Beach may acquire by purchase or construction, operate, maintain and extend either independent or in connection with the water works of the Village, either within or without the Village, works for the purpose of supplying such Village and the inhabitants thereof, or either, with gas, electric or other lights, at such times and on such terms and conditions as the Commission of such Village shall direct.

DECLARE EXPEDIENCY OF PURCHASING, ETC., BY RESOLUTION:

Section 2. Whenever the Commission of the Village shall, by resolution, 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 gas, electric or other lights, then the Commission shall have power to take such action as shall be deemed expedient to accomplish such purpose.

SUBMISSION OF QUESTION TO ELECTION:

Section 3. 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, to either, with gas, electric or other lights, then the Commission shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the Village at its annual election, or at a special election called for that purpose by the Commission as provided in this Charter, and shall be determined as three-fifths of the electors voting at such election by ballot shall decide.

MAY BORROW MONEY AND ISSUE BONDS:

Section 4. It shall be lawful for said Village to borrow any sum of money, subject to the limitations of this Charter, to be used exclusively for the purpose of purchasing or constructing, extending and maintaining such lighting works as provided in the preceding Sections of this Chapter. The Commission shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this Chapter, and to issue bonds of the Village therefore, but the rate of such interest shall not exceed six percent per annum, and such bonds shall not be sold for less than their par value; provided, that the total amount expended for the purchase or construction and extension of such lighting works shall not exceed the amount of the estimate of expense therefore provided for in Section 3 of this Chapter.

COMMISSION MAY RAISE MONEY TO MAINTAIN OR EXTEND WORKS:

Section 5. After lighting works have been purchased or constructed as aforesaid, the Commission may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the Village; provided, that the sum to be raised, in anyone year, shall not be included in, and shall not increase the total amount which, by the provisions of Section 3 of Chapter IX of this Charter, the Commission is authorized to raise.

LIGHTING RATES TO INDIVIDUALS:

Section 6. The Commission shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of such Village with lights.

APPROPRIATE PRIVATE PROPERTY:

Section 7. If it shall be necessary in the judgment of the Commission to appropriate private property for the construction, extension and maintenance, or for the due operation of lighting works, 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 in this Charter for the taking of private property for public use.

COMMISSION MAY CONTRACT FOR THE SUPPLY OF LIGHT:

Section 8. The Commission may contract from year to year. or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation for the supplying of such

Village or the inhabitants thereof, or both, with gas, electric or other lights, upon such terms and conditions as may be agreed; and may grant to such person, persons, or corporation the right to the 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 supplying said light upon such terms and conditions as shall be specified in such contract.

CARE AND CONTROL OF LIGHTING WORKS:

Section 9. The Commission may enact such ordinances and adopt such resolution as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixture appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this Chapter, and the powers herein conferred, in respect to the erection, purchase, management and control of such works.

CHAPTER XII.

APPROPRIATION OF PRIVATE PROPERTY

FOR WHAT APPROPRIATED:

Section 1. Private property may be taken and appropriated for public use in said Village for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, 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; and for other lawful and necessary public uses.

HOW APPROPRIATED:

Section 2. If it shall become necessary to take and appropriate private property for the public uses and 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 either 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, or by instituting and prosecuting the proceedings for that purpose as hereinafter set forth.

VILLAGE ATTORNEY TO BRING PROCEEDINGS:

Section 3. Whenever the Commission of said Village shall have declared a public improvement to be necessary in the Village and, shall have declared that they deem it necessary to take private property, describing it, for such improvement, designating it, and that the improvement is for the use or benefit of the public, they may, by resolution, direct the Village Attorney to commence the necessary proceedings in behalf of the Village, before any justice of the peace of Monroe County they may designate or they may by resolution, direct that such proceedings to be commenced in tile Circuit Court of said County to carry out the objects of the resolution in regard to taking private property by the Village for such public use.

ATTORNEY TO PREPARE AND FILE PETITION:

Section 4. In case that the Commission shall direct that such proceedings be commenced before a justice of the peace, the Village Clerk shall make and deliver to such attorney, as soon as may be, a copy of such resolution certified under seal, and it shall be the duty of such attorney to prepare and file with such justice, in the name of the Village, a petition signed by him in his official character and duly verified by him; to which petition a certified copy of the resolution of the commission shall be annexed, which certified copy shall be prima facie evidence of the action taken by the Commission and of the passage of such resolution. The petition shall state, among other things, that it is made and filed as commencement of judicial proceedings by the Village, in pursuance of this Chapter, to acquire the right to take private property for the use or benefit of the public, without consent of the owners, for a public improvement, designating it, for a just compensation to be made. A description of the property to be taken shall be given and generally the nature and extent of the use thereof that will be required in making and maintaining the improvement shall be stated and also the names of the owners and others interested in the property, so far as it can be ascertained, including those in possession of the premises. The petition shall also state that the Commission has declared such public improvement to be necessary and that they deem it necessary to take the private property described in that behalf for such improvement for the use or benefit of the public. The petition shall ask that a jury be summoned and impaneled to ascertain and determine whether it is necessary to make such public improvement, whether it is necessary to take such private property as it be proposed to take for the use or benefit of the public, and to ascertain and determine the just compensation to be made therefore. The petition may state any other pertinent matter of thing and may pray for any other or further relief to which the Village may be entitled within the objects of this Chapter.

JUSTICE TO SUMMON RESPONDENTS:

Section 5. Upon receiving said petition it shall be the duty of said justice to issue a summons signed by him against the respondents named in such petition, stating briefly the object of such petition, and commanding them, in the name of the People of the State of Michigan, to appear before said justice at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same, and show cause, if any they have, why the prayer of said petition should not be granted.

SERVICE OF SUMMONS ON RESPONDENTS:

Section 6. Said summons shall be served by the Village Marshal or any constable of the County in which said Village is located, at least five days before the return day thereof, upon all the respondents found within the County, by exhibiting the original and delivering a copy to each of them. If any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy thereof at his or her usual or last place of abode, with some persons of suitable age or discretion. If any minor or person of unsound mind is interested in the premises to be taken, service may be made on the guardian of such person, if any, and if there is no guardian the justice may appoint some discreet and proper person to be guardian and litem of such person in such proceedings and such guardian shall have authority to represent such person in said proceedings. The proceedings to appoint such guardian shall be the same as in other cases provided by statute. And if it shall appear on the

return day of the summons that any respondent cannot be found within the County, and has not been served in the manner provided, or is a nonresident and has not voluntarily appeared, the Court may make an order requiring such respondent or responder to appear and show cause why the prayer of the petition should not be granted on a day to be named in the order, not less than thirty days from the date thereof, and may require that a certified copy of such order be personally served on such respondents wherever found, if practicable, at least six days before the time named in order for appearance, or the Court may make such order for appearance required as to any or all such respondents who shall not have been personally served and have not appeared, that service be made by publishing a certified copy of such order for three successive week at least once in each week, in at least one newspaper of general circulation in the Village, to be designated by the Commission, the last publication to be at least six days before the day fixed in the order for appearance. Alias and bluries summonses may be issued and the justice may adjourn the proceedings from time to time as there shall be occasion. Service of such order for appearance in either mode prescribed shall be sufficient notice of the proceedings to bind the respondents and the property represented by them. The return of the officer upon the summons and an affidavit of the due service or the publication of the order for appearance, if any, shall be filed with such justice before a jury shall be impaneled and be sufficient evidence of service on the respondents and of the manner of service.

JURY - ELECTION OF:

Section 7. On the return day of the summons or on some subsequent day to which the proceedings are adjourned, if no sufficient cause to the contrary has been shown, the justice shall take an order that a jury be impaneled in the cause. Such jury shall be composed of twelve freeholders of the County, residing in the vicinity of the property to be taken, described in the petition. The said jury shall be selected and impaneled as follows: The Village Marshal or any constable of the County shall, on the same day or at an adjourned day, pursuant to the order of the justice, make a list of twenty-four of such freeholders, and the Village Attorney and the respondent collectively shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objection for cause, the twelve persons whose names are left on the list, shall compose the jury for the trial of the cause, and shall be summoned to attend not less than three nor more than ten days from the date of selecting such jury, by a venire issued by the justice and to be served by one of the officers aforesaid. If the respondents refuse or neglect to strike names from said list it shall be done by the justice, and in case any of the persons to be summoned cannot be found by such officer in the County, or being summoned, does not attend, or shall be excused for cause, or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officers, and the practice and proceedings under this Chapter, except as herein otherwise provided, relative to impaneling, summoning, and excusing jurors and talesmen, and imposing or fines upon them for non-attendance, shall be the same as the practices and proceedings of justices' courts relative to jurors in civil cases in such courts, except that peremptory challenges shall not be allowed.

OATH AND INSTRUCTION OF JURY:

Section 8. The jurors so impaneled shall be sworn or shall affirm in substance as follows:

"You so solemnly swear (or affirm) that you will, well and truly, ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use of benefit

of the public; the private property which the petition described and prays may be taken; and if you shall determine that it is necessary to make such improvement, and to take such property; that, they, you will ascertain, determine and award the just compensation to be made therefore, and faithfully and impartially discharge all such other duties as devolve upon you in this case, and unless discharged by the Court, a true verdict give, according to the law and evidence, so help you God or under the pains and penalties of perjury."

The jury shall hear the proofs and allegations of the parties, and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property proposed to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the justice, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by all the jurors.

DETERMINING NECESSITY AND AWARDING COMPENSATION:

Section 9. The jury shall determine in their verdict the necessity for the proposed improvement and of taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists they shall separately award to the owners of such property and others interested therein such compensation therefore as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

PETITION, MAP AND BLANK VERDICT FOR CONSIDERATION OF JURY:

Section 10. To assist the jury in arriving at their verdict, the justice may allow the jury, when they retire, to take with them the petition filed, in the case, and a map showing the location of the proposed improvement and of such and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

PART I

We find that it is necessary to take the private property described in the petition in cause, for the use and benefit of the public, for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken	Owners, occupants and others interested in each Parcel	Compensation	To Whom Payable
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The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the justice, before it is submitted to the jury, or it may be done by the jury.

AMENDMENTS TO PETITION:

Section 11. Amendments either in form or substance may be allowed by the justice or by the circuit court in any paper, petition, process, record or proceeding, or in the description of property proposed to be taken, or the name of any person, whether contained in a resolution passed by the Commission or otherwise, whenever the amendment will not interfere with the substantial rights of the parties. Any such amendment may be made after, as well as before judgment confirming the verdict of the jury.

VERDICT TO BE ENTERED UPON DOCKET:

Section 12. Upon filing the verdict rendered by any jury, with said justice, he shall enter the same upon the docket of his proceedings, and a copy thereof may be taken by the Village Attorney, for the use of the Commission at any time thereafter, and within forty days after the rendition Silent verdict the justice, upon the application of the Village Attorney, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within forty days, all proceedings upon that verdict and award shall be at an end, and a new jury and new proceedings may be had, as in case of a disagreement of the jury. All persons interested in such verdict shall take notice of the confirmation thereof. Any judgment of confirmation shall be final and conclusive as to all parties not appealing there from, within the time hereinafter provided.

DISAGREEMENT OF JURY:

Section 13. If such jury shall be unable to agree upon a verdict, or for any case should fail to render a verdict, said justice shall on application of the Village Attorney, designate some day and hour when another jury may be impaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualifications, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice⁹ or some other justice of Monroe County as provided for above, after the first jury is sworn.

INABILITY OF JUROR TO SERVE:

Section 14. If any juror, after being sworn, shall die or from sickness or any other, cause to be drawn another person to serve in his place, he shall be sworn, and shall have the like qualifications, powers and duties as those already sworn.

APPEAL FROM VERDICT:

Section 15. Any party aggrieved by the judgment of confirmation herein before mentioned, may, within ten days after the entry thereof, appeal there from to the Circuit Court for the County of Monroe, by filing with the justice a claim of appeal, in writing under oath, in which he shall set forth a

description of the land on which he claims an interest and a statement that he considers himself aggrieved by the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded. In case there shall be any objection to the process, petition or other proceedings and to the decision of the justice therein, which would not be allowed to be made on the trial of the appeal, the same may be set forth specifically in such claim of appeal.

At the time of filing such claim of appeal, the appealing party shall also file with the justice, a bond to the Village, in a penal sum of not less than Three Hundred Dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the Circuit Court, and he shall also pay to the justice the sum of Three Dollars for making his return appeal.

RETURN OF JUSTICE TO APPEAL:

Section 16. Within ten days after the filing of said claim of appeal, said justice shall make and certify a return to said appeal, setting forth a copy of the petition, processes, returns, affidavits, report of the jury, judgment of confirmation and all papers filed with him, and also a transcript of his docket entries relating to the proceeding in the cause, together with the bond and claim of appeal, and file the same with the Clerk of the Circuit Court.

HEARING ON APPEAL:

Section 17. Upon filing the return of the justice, as mentioned in the preceding Section, the Circuit Court shall have jurisdiction of the case. Said Circuit Court shall proceed to hear and dispose of said case with all convenient speed. Said Court of Judge shall have power to adjourn the hearing from time to time as may be necessary. The Circuit Court shall decide upon the special objection set forth in the claim of appeal, but shall not dismiss the case nor render judgment therein against the Village on account of any error or defect in the proceedings which can be properly corrected by amendment as in Section 11 of this Chapter provided, or which can be corrected on the trial of the case in Circuit Court. If judgment is not rendered against the Village on account of errors of law or defects in the proceedings and if the appeal is not dismissed, the parties may proceed to trial by jury without any reference to any term of Court in the manner herein provided for trials in the Circuit Court.

PROCEEDINGS MAY BE COMMENCED IN CIRCUIT COURT:

Section 18. In case the Commission shall, as herein before provided, direct that such proceedings be commenced in the Circuit Court, the Village Clerk shall make and deliver to such Attorney, as soon as may be, a copy of the resolution mentioned in Section 3 of this Chapter, certified under seal, and it shall be the duty of such Attorney to prepare and file with the Clerk of said Circuit Court in the name of the Village, a petition signed by him in his official character, and duly verified by him, which said petition shall be addressed to the Circuit Court, but in all other respects shall be the same in substance and effect as the petition required to be filed with a justice of the peace in cases where the proceedings are commenced before such justice.

CLERK OF COURT TO ISSUE SUMMONS:

Section 19. Upon receiving such petition it shall be the duty of the Clerk of said Court to issue a summons against the respondents named in such petition, stating briefly the objects of said petition and commanding them in the name of the People of the State of Michigan to appear before said Circuit Court at a time and place to be named in said summons, not less than twenty nor more than forty days from the date of the same and show cause, if any they have, why the prayer of said petition should not be granted. Alias and bluries writs of summons may be issued by said Clerk under like circumstances as provided in a case commenced before a justice. All such writs shall be signed by the Clerk and his official seal shall be impressed thereon. The said Clerk shall possess all the authority, and discharge all the duties in respect to such case as in an ordinary civil action at law.

SERVICE OF SUMMONS, ETC.:

Section 20. In a case so commenced in the Circuit Court, the sheriff, under-sheriff or any deputy of the County shall in respect to the service of summons or any other process issued, or in respect to any other matter or proceeding therein, possess all the authority and discharge all the duties of a village marshal or a constable in a case commenced in the Circuit Court, the Circuit Court or Circuit Court Judge shall in respect to appointment of a guardian ad litem for any of the respondents, the making of an order for the appearance of any of the respondents, and in respect to any other matter or proceeding therein, possess all the jurisdiction and authority and discharge all the duties of a justice of the peace in a case commenced before such justice; and in the case so commence in the Circuit Court the order for the appearance of any of the respondents may be served or published in the same manner, the case adjourned from time to time, writs and process issued, as in a case commenced before a justice of the peace, and in general all the proceedings in the case commenced in the Circuit Court shall be substantially the same, and shall have the same force and effect in all respects as in this Chapter prescribed in relation to a case commenced before a justice of the peace, except as in this Chapter otherwise provided.

TRIAL OF CASE:

Section 21. On the return day of the summons in such case, or on some subsequent day to which the proceedings are adjourned, either by order of the Circuit Court of Circuit Judge, if no sufficient cause to the contrary has been shown in the Circuit Court, without reference to any term of court, shall proceed to try the case, and thereupon the case shall be tried and the proceedings had, as are herein prescribed in respect to the trial of a case before a jury in a case appealed from a justice to the Circuit Court.

IMPANELING OF JURY:

Section 22. If, pursuant to the provisions of this Chapter, a trial jury in the Circuit Court becomes necessary, the Circuit Court or Circuit Judge shall make an order that a jury be impaneled, to try the case. Such jury shall be composed of twelve freeholders of the County, residing in the vicinity of the property to be taken, described in the petition. Said jury shall be selected and impaneled as follows: The Sheriff, under-sheriff or any deputy sheriff of the County, on the return day of the summons, or if the case is one that had been appealed from justice's Court, then on the day fixed for the trial and disposition thereof, or at an adjourned day shall, pursuant to the order of the judge or court, make a list of twenty -four of such freeholders and the Village Attorney or his assistant and the respondents

collectively shall each have the right to strike six names from the list of persons written down as aforesaid, and subject to objections for cause, the twelve persons, whose names are left on the list, shall compose the jury for the trial of the cause and shall be summoned to attend at such trial as the judge or court shall direct by a venire issued by the clerk of the court, and be served by one of the officers aforesaid. If the respondents neglect or refuse to strike six names from said list, it shall be done by the judge of the court, and in case any of the persons to be summoned cannot be found in the County, or being summoned do not attend, or shall be excused or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such sheriff or sheriffs officer, and the practice and proceedings under this Chapter relative to impaneling and summoning and excusing jurors and talesmen and imposing penalties or fines upon them for nonattendance, shall be the same as the practice and proceedings of the Circuit Courts of the State relative to petit jurors in civil cases in such courts except the peremptory challenges shall not be allowed and except as herein otherwise provided.

OATH AND INSTRUCTION OF JURY:

Section 23. The jurors so impaneled shall be sworn or shall affirm in substance as follows:

"You do solemnly swear (or affirm) that you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement and for taking for the use or benefit of the public the private property which the petition describes and prays may be taken, and if you shall determine that it is necessary to make such improvement and to take such property that then you will ascertain, determine and award the just compensation to be made therefore, and faithfully and impartially discharge all such other duties as devolve upon you in this case, and unless discharged by the Court, a true verdict give, according to law and evidence, so help you God (or under the pains and penalties or Perjury)."

The jury shall hear the proofs and allegations of the parties and shall go to the place of the intended improvement, in the charge of an officer, and upon or as near as practicable to the property to be taken, and examine the premises. They shall be instructed as to their duties and the law of the case by the Circuit Judge, and shall retire under the charge of an officer and render their verdict in the same manner as on the trial of an ordinary civil case, but the same shall be in writing and shall be signed by all jurors.

DETERMINING NECESSITY AND AWARDING COMPENSATION:

Section 24. The jury shall determine in their verdict the necessity for the proposed improvement and for taking such private property for the use or benefit of the public for the proposed improvement, and in case they find such necessity exists, they shall separately award to the owners of such property and others interested therein, such compensation therefore as they shall deem just.

If any such private property shall be subject to a mortgage, lease, agreement, or other lien, state or interest, they shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

PETITIONS, MAP AND BLANK VERDICT:

Section 25. To assist the jury in arriving at their verdict the Circuit Judge may allow the jury, when they retire, to take with them the petition filed in the case and a map showing the location of the proposed improvement, and of each and all the parcels of property to be taken, and may also submit to them a blank verdict which may be as follows:

PART I.

We find that it is _____ necessary to take the private property described in the petition in cause, for the use and benefit of the public; for the proposed public improvement.

PART II.

The just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the the several parcels of private property to be taken	Owners, Occupants and others interested in each parcel	Compensation	To Whom Payable
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The different descriptions of the property and the names of the occupants, owners and others interested therein may be inserted in said blank verdict, under the direction of the judge, before it is submitted to the jury, or it may be done by the jury.

VERDICT MAYBE SET ASIDE - AMENDMENTS MAYBE ALLOWED:

Section 26. The verdict of the jury may be set aside by the Circuit Court and a new trial ordered as in civil actions at law. Said Court may be necessary and in that behalf exercise all the powers herein before granted. Motions for a new trial or to arrest the proceedings shall be made within two days after the rendition of the verdict unless further time is allowed by the court, and if no such motion is made, or being made, is overruled, the court shall enter an order or judgment confirming the verdict of the jury, and such judgment of confirmation, unless reversed by the Supreme Court, shall be final and conclusive as to all persons interested therein.

TAXATION OF COURT COSTS:

Section 27. Upon dismissal of an appeal, or on rendition of a verdict favorable to the Village in any case after a trial in the Circuit Court, said Court shall enter judgment and confirm the proceedings and rights of the Village to take and appropriate the lands of this appellant for the purpose mentioned in the resolution of the Commission. In cases appealed from a justice, unless the appellant shall recover a verdict and judgment for at least fifty dollars more than the amount awarded to the Village as shall be just. If the verdict or judgment rendered in any case tried in the Circuit Court shall be against the Village upon the question of the necessity of taking the property described in the petition for public use, or for the benefit of the public, or if for any other reason the Village Commission shall deem it just to discontinue such cause and not to take further proceedings therein, they may, by resolution so declare, and thereupon the Village Clerk shall make and certify a copy of such resolution and deliver

the same to the Village Attorney who shall file such certified copy of resolution with the Clerk of the Circuit Court. Upon the same being so filed, said cause shall be deemed to be discontinued, and no further proceedings therein shall be taken, except that the Village shall pay all costs awarded against it by the Court. The Village Commission may institute new proceedings for the taking of such lands or pay part thereof at any time thereafter.

APPEAL FROM CIRCUIT COURT:

Section 28. The Judge of the Circuit Court shall at the request of either party in said cause in the Circuit Court, within a time to be fixed by said Court or Judge thereof, settle a case according to the usual practice of said Court, showing the material evidence and instructions given to the jury and the proceedings had upon any disputed point to which exception was taken, and the objections, rulings and exceptions in the case, which shall be signed by the Circuit Judge and filed with the Clerk of said Court, either party to said cause in the Circuit Court may, within fifteen days after the filing of said case, made, or if no steps be taken to make and settle a case, then within fifteen days after the entry of judgment in the Circuit Court, appeal there from to the Supreme Court by filing with the Clerk of the Circuit Court and serving upon the opposite party of his attorney, a notice and claim of appeal. Such notice shall specify the objections to the proceedings had in the premises and all other objections, if any shall be deemed to have been waived. If the appeal is taken by either of the respondents, he shall, within the time allowed for the giving of such notice, file a bond in said Circuit Court to be approved by the Judge thereof, condition for the prosecution of his appeal to judgment and the payment of all costs, damages and expenses that may be awarded against him in the judgment shall be confirmed. In case of an appeal "by the Village, no bond shall be required- In case of such appeal the Clerk of the Circuit Court, on payment of his legal fees and charges shall transmit to the Supreme Court, such case made and a certified copy of the necessary files, records and proceedings in the cause.

HEARING IN SUPREME COURT:

Section 29. The said appeal may be brought on for hearing at any term of the Supreme Court by notice thereof being given according to the rules and practice of the court. Said court, according to the rules and practice of the court shall pass only upon such objections as are specified in the written notice of appeal, and may confirm or for any substantial error, reverse the judgment, and may grant a new trial in the Circuit Court. The said court shall allow the prevailing party his reasonable costs and expenses to be taxed, and give judgments in other civil cases, and all cost, damages and expenses awarded to the Village, if it so elect, may be applied on, or deducted from the compensation, if any, to be paid, or execution may issue on the judgment; damages may be awarded against a party appealing without reasonable cause.

DUTY OF VILLAGE CLERK:

Section 30. If a verdict and judgment shall be rendered in such cause in favor of the Village, either by a justice of the peace or in the Circuit Court, and after the same shall become final unless the cause shall have been discontinued as herein before provided, 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 books or 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, and to confirm the same.

ASSESSMENTS OF COSTS AND EXPENSES:

Section 31. After the recording by the Village Clerk of the final judgment and verdict as provided 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 an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury, and of the costs and expenses incurred in connection with the proceedings, shall be assessed upon 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, all surveys and 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 of 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, provided in and by this Charter, for assessing, levying and collection the expense of public improvement. The assessment roll containing said assessment when ratified and confirmed by the Commission, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings, 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 of portion of such compensation, costs and expenses shall not be raised in the manner herein provided, shall be assessed levied and collected upon the taxable real estate of the Village, the same as other general taxes are assessed and collected therein. At any sale which takes place of the 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 32. Within one year after judgment in said cause shall become final, the Commission shall set apart and cause to be provided in the Treasury, unless the cause shall have been discontinued and unless already provided, 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 if not already provided, direct the Village to pay to the persons respectively entitled to the money so set apart and provided, to each his or her proportion, as 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 taxes, and pay the same to the persons entitled thereto according to the verdict of the jury, 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 case; 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 in the Treasury and thus secured to be paid, 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 there from. In case of resistance or refusal on the part of anyone, to the Commission, or their agents and servants entering upon and taking possession of such private property for the use and purpose for which it was taken, at any time 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 of other proper court and shall be entitled, on making a sufficient showing, to a writ of assistance to put them in possession of the property.

FEES AND COMPENSATION FOR SERVICES:

Section 33. Officers and witnesses in any proceeding under this Chapter shall be entitled to receive the same fees and compensation as are provided by law for similar services in any ordinary action at law in the court where the case is tried. Persons summoned to serve as jurors before a justice shall be entitled to a fee of Two Dollars per day and also ten cents per mile for each mile actually traveled in going to the place of trial. All said fees and mileage shall be paid by the Village. Person summoned to serve as jurors in the Circuit Court shall be entitled to receive the same per diem fee and the same mileage as is allowed by law for jurors in the Circuit Court; such fees and mileage of the persons so summoned as jurors shall be paid in the first instance by the County, but shall be repaid to the County by the Village.

DETERMINATION OF OWNERSHIP:

Section 34. It shall be prima facie evidence as to who are owners of and persons interested-in any property proposed to be taken in the proceedings instituted under this Chapter, if the register or deputy register of deeds of the County shall testify in open court that he has examined the records and titles in his office and states who such records show are the owners of, and persons interested in such property, and the nature and extent of such ownership and interest; and an abstract of the title of such property, or any parcel or parcels thereof, certified by the Register or Deputy Register of Deeds, shall also be prima facie evidence as to ownership, and persons having an interest in any such property and the extent and nature of such interest

SALE OF BUILDINGS AND STRUCTURES ACQUIRED:

Section 35. In case there is, on the 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 rate of the assessment and apportionment made to pay for the property taken.

MA Y ACQUIRE BY NEGOTIATION AND PURCHASE:

Section 36. Nothing in this Chapter contained shall divest the Village from obtaining private property for any of the public uses herein specified by negotiation and purchase.

CHAPTER XIII.

RECALL AND REMOVAL

WHO MAY BE RECALLED:

Section 1. Any holder of any elective office may be recalled or removed there from by the qualified electors of the Village of Estral Beach as provided herein.

PETITION FOR REMOVAL - CONTENTS:

Section 2. Any qualified elector of the Village may make and file with the Village Clerk an affidavit containing the name of an officer sought to be removed, and a specified statement of the grounds to removal, which statement shall be confined to two hundred words. The Village Clerk shall thereupon deliver to the elector making such affidavit, a sufficient number of copies of petition for such recall and removal, printed or typewritten forms of which he shall keep on hand. Such petition shall be issued by the Village Clerk with his signature and the official seal of the Village thereto attached; they shall be dated and addressed to the Commission, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the ground of such removal as stated in said affidavit, and shall demand the election of the successor to such office. A copy of such petition shall be entered in a record book to be kept in the office of the Village Clerk. Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said Village Clerk within thirty days after the day of its issuance.

PETITIONERS - QUALIFICATIONS: NUMBER OF:

Section 3. Said petitions, before being returned and filed, shall be signed by qualified electors equal in number to at least twenty per centum of the entire vote cast for all candidates for the office of the President on the final ballot at the last preceding annual municipal election, and in no case shall said petition be signed by less than one hundred (100) electors, and to each signature shall be the place of residence, giving street and number of the elector signing. Such signatures need not all be on one paper. An affidavit thereto shall be made by one or more qualified 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 papers for the recall of anyone officer shall be fastened together and filed as one instrument, with the personal endorsement thereon of the names and addresses of three qualified electors designated as filing the same.

EXAMINATION OF PETITION AND CERTIFICATION BY CLERK:

Section 4. Within ten days from the filing of said petitions the Village Clerk shall 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.

PROCEDURE WHEN PETITION INSUFFICIENT:

Section 5. If his certificate shows the petition to be insufficient he shall within ten days cause notice in writing to be served upon one or more of the persons designated on the petition as filing same; additional signatures properly verified may be filed at anytime within ten days after the filing of the said certificate. The Village Clerk shall, within five days after such re-filing, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient, or if not enough additional signatures are so filed, he shall return the petition to one of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

PROCEDURE WHEN PETITION SUFFICIENT:

Section 6. When the petition shall be found and certified by the Village Clerk to be sufficient, he shall submit the same, with his certificate, to the Commission without delay; and the Commission shall, if the officer sought to be removed, does not resign within five days thereafter, forthwith, after said five days period, order and fix a date of holding the said removal election, not less than twenty-five days not more than thirty-five days from the date of the Village Clerk's certificate that a sufficient petition is filed; provided, however, that if any other municipal election is to occur within sixty days from the date of the Clerk's certificate, the Commission may, in its discretion, postpone the holding of the removal election to the date of such other municipal election.

RECALL OF CLERK - PRESIDENT TO PERFORM DUTIES OF:

Section 7. In the event of a recall of the Village Clerk, the President shall perform all such duties as are prescribed in this Charter for the Village Clerk in recall proceedings.

REMOVAL ELECTION - HOW CONDUCTED:

Section 8. The Commission shall make, or cause to be made, publication of notice and all arrangements for holding such removal election; and the same shall be conducted, returned, and the result thereof declared, in all respects, as are other Village elections. If a vacancy occur in said office after a removal election has been so ordered, the election shall nevertheless proceed as herein provided.

OFFICER - CANDIDATE TO SUCCEED HIMSELF:

Section 9. Any officer sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the Village Clerk shall place his name on the official ballot without nomination.

NOMINATION OF OTHER CANDIDATES:

Section 10. The nomination of other candidates, the publication of notice of such removal election, and the conduct of the same, shall all be in accord with the provisions of this Charter, relating to elections.

PERFORMING DUTIES OF OFFICE PENDING ELECTION:

Section II. The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in his office for the balance of his term. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor-elect fails to qualify within ten days after receiving notice of his election, the incumbent shall thereupon be deemed removed and the office vacant, and the Commission may fill the same as in this Charter provided.

WHEN RECALL PETITION MAYBE FILED:

Section 12. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

OFFICER REMOVED INELIGIBLE FOR TWO YEARS:

Section 13. No person who has been removed from an office by recall, or who has resigned from such office after a petition for his recall and removal has been filed with the Village Clerk, shall be elected or appointed to any office within two years after such removal or resignation.

SUSPENSION BY COMMISSION:

Section 14. Any officer holding office by election by the electors may, if written charges be preferred against him, for any of the causes enumerated in Section 15 of this Chapter, he suspended from office by a majority vote of the Commission until such charges be heard and determined; and any officer elected or appointed by the Commission may be in a like manner suspended from his office, and in the extent of such suspension it shall be the duty of the Commission to proceed to a hearing of such charges at the next regular meeting, or any adjournment thereof, and to determine the matter at such meeting, and if such charges are sustained by the vote of a majority of said Commission, the said officer may be removed from office; but if such officer shall not be removed, he shall be entitled to resume his office and receive pay during the period of such suspension.

REMOVAL BY COMMISSION:

Section 15. The Commission may remove from office any of its members, including the President, and remove any other officers of the Village, either elective or appointive, for any of the following causes, to-wit;

(a) Conviction by a court of competent jurisdiction of any offense under the Charter or Ordinances or any Law of this State or of the United States.

- (b) Willful violation of any provision of the Charter or Ordinances
- (c) Intoxication or habitual drunkenness.
- (d) Incompetency to perform the duties of his office.
- (e) Willful neglect of duty.
- (f) Corrupt or willful malfeasance or misfeasance in office.
- (g) Willful misconduct to the injury of the public service.

Said proceedings may be initiated by any member of said Commission or by any twenty-five electors as hereinafter provided. Upon the filing with said Commission of a complaint in writing, specifying any matter or thing made cause for removal under this Charter, which complaint shall be signed by not less than twenty-five electors of said Village and verified by the oath of at least one of the signers, the said Commission shall proceed to hear and determine said matter as herein provided.

If said officer be found guilty by a majority of the Commission, in such case the reason for the removal shall be entered upon the records of the Commission with the names and votes of the members voting on the question; and no officer shall be removed unless first furnished with a copy of the charges in writing and allowed to be heard in his defense with the aid of counsel; and for such purpose the Commission shall have power to compel the attendance of witnesses and the production of papers by subpoena or written order. The Commission shall hear and determine said charges within ten days after service of a copy thereof, unless said proceedings shall be adjourned for a cause to a time not exceeding thirty days in all; and then at such adjourned meeting to hear and determine the matter as aforesaid. If such officer shall neglect to appear and answer such charges his default shall be deemed good cause for his removal. Any person refusing or neglecting to comply with the requirements of any subpoena or written order issued and served under this Section shall be liable to a fine not to exceed Fifty Dollars or confinement in the county jail not to exceed Sixty days, on conviction of such refusal or neglect before any justice of the peace of said Village.

The violation of either of sub-sections (a), (b), (c), (d), (e), (t), or (g) of this Section shall be deemed a misdemeanor punishable as provided in this Charter and in case of punishment is otherwise provided, the person so offending shall, upon conviction thereof by any court of competent jurisdiction, be punished by a fine not exceeding One Hundred Dollars or by imprisonment in the County Jail for a period of not exceeding ninety days, or both, such fine and imprisonment in the discretion of the Court; and in every case of such conviction the person so offending shall be liable to the procedure provided for, in the following Section.

CONVICTION OF OFFICER BY COURT OR COMMISSION VACATES OFFICE:

Section 16. If any incumbent of any office, whether elected or appointed, shall be by court of competent jurisdiction or by the Commission, as the case may be, convicted or found guilty of any matter of thing which is made cause for removal under this Charter, his said office shall immediately by virtue thereof become vacant without further proceedings, and said vacancy shall thereupon be filled according to Law.

CHAPTER XIV.

INITIATIVE AND REFERENDUM

PROPOSED ORDINANCES - HOW SUBMITTED TO COMMISSION:

Section 1. Any proposed ordinances may be submitted to the Commission by petition signed by qualified electors of the Village, equal in number to the percentage hereinafter required. The procedure in respect to such petition shall be the same as provided in Section 2, 3, 4 and 5 of Chapter XIII of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

PROPOSED ORDINANCES - HOW DISPOSED OF:

Section 2. If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to at least twenty-five per centum of the entire vote cast for all candidates for President at the last preceding annual election at which a President was elect and contains the request that said proposed ordinance be submitted to a vote of the electors, the Village Clerk shall thereupon ascertain and certify the number of qualified signers; whereupon, if such certificate shows the required number of qualified signers, the Commission shall within twenty days thereafter, either (a) pass said ordinance without alteration (subject to the referendum provided by this Charter), or (b) call a special election, to be held within thirty 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.

WHEN TO BE SUBMITTED AT ANNUAL ELECTION:

Section 3. If the petition be signed by qualified electors equal in number to at least ten per centum but less than twenty-five per centum of the entire vote cast for all candidates for President at the last preceding general 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 twenty 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 annual municipal selection 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.

PROTEST AGAINST ORDINANCES:

Section 4. No ordinance passed by the Commission (except when otherwise required by the general laws of the State or by the provisions of this Charter, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency; but no grant of any franchise shall be construed to be an urgency measure, and all franchises shall be subject to the referendum vote herein provided for) shall take effect before thirty days after the day of its final passage. If, within said thirty days a petition signed by qualified electors of the Village equal in number to at least twenty-five per centum of the entire vote cast for all candidates for President at the last preceding general election at which a President was elected, be presented to the Commission protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect~ the Commission shall immediately reconsider such ordinance, and if the same be not entirely repealed, the Commission shall submit it by the method provided in this Charter, to a vote

of the qualified electors of the Village, either at the next annual municipal election, or at a special election which may in their discretion, be called by them for that purpose, and such ordinance shall not take effect unless a majority of age qualified electors voting on the same at such election shall vote in favor thereof.

The procedure in respect to such referendum petition shall be the same as provided in Sections 2, 3, 4 and 5 of Chapter XIII of this Charter, with such modifications as the nature of the case may require, except that no blank forms shall be furnished or preliminary affidavit made.

COMMISSION MAY SUBMIT PROPOSED ORDINANCES TO ELECTORS:

Section 5. The Commission may, of its own motion, submit to electoral votes 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 6. 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, once in each week, for three consecutive weeks immediately preceding such election.

BALLOT - WORDING ON:

Section 7. The ballots used for voting upon such proposed 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 a majority of the qualified electors voting on said proposed 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 8. Provision shall be made on each ballot for voting upon all proposed ordinances submitted at that election.

SPECIAL ELECTION - HOW OFTEN MAYBE HELD:

Section 9. There shall not be held under this Chapter more than one special election in any period of six months.

AMENDING OR REPEALING SUCH ORDINANCES:

Section 10. Any ordinance adopted under this Charter by electoral votes, cannot be repealed or amended except by electoral vote.

REGULATIONS - MAYBE ADOPTED BY COMMISSION:

Section 11. 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 12. No franchise, grant of 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 XV

FRANCHISE AND PUBLIC UTILITIES

TERMS 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 period than one year.

FRANCHISE 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 until the same shall have been referred to the people at a general 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, and no franchise 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 the franchises granted by the Village, shall provide how, and what manner, and under what conditions said franchises may be leased, assigned or alienated, and no dealing with the lessees 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 previously granted 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 the original grant and franchises.

LICENSE FEES - WHAT MAY BE TAXED:

Section 6. The Village shall have the right to license and impose a license fee on street cars, jitneys, motor buses, telephones, gas meters, electric meters, water meters, or any other device used for measuring service, also telephone, telegraph, electric light and power poles and wires. All said licenses shall be exclusive of and in addition to other lawful taxes upon the property of the holder thereof.

RIGHTS RESERVED TO VILLAGE:

Section 7. The grant of every franchise or privilege shall be subject to the right of the Village, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things, the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience, in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonable necessary to secure adequate, sufficient and proper service, extensions, and accommodations to the people and insure their comfort and convenience.

JOINT USE OF CERTAIN PROPERTY:

Section 8. The Village, by and through its Commission, shall have the power to require any corporation holding a franchise from the Village, to allow the use of its tracks, poles and wires, by any other corporation to which the Village shall grant a franchise, upon the payment of a reasonable rental therefore, and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the Village or its suburbs, shall be subject to the condition that the Village shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the Village, the right to operate its cars over the tracks of said street railway in so far as may be necessary to enter and leave the Village and to reach the section thereof used for business purposes, provided that the person or corporation desiring to operate its cars over the lines of said street railway, shall first agree in writing with the owner thereof, to pay it reasonable compensation for the use of its tracks and facilities- And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, within sixty days from offering in writing so to do, and as to terms and conditions of the use of said tracks and facilities, then the Commission shall, by resolution, after a fair hearing to the parties concerned, set the terms and conditions of such use and compensation to be paid therefore, which award of the Commission when so made shall be binding on and observed by the parties concerned.

CONTROL AND REVOCATION - COMMISSION TO HAVE POWER:

Section 9. The President and the Commission shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. The Commission shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violation of law, and may revoke, cancel or annul all franchises that may have been granted by the Village, which have become in whole or in part, or which for any reason are, illegal or void and not binding upon the Village.

CERTAIN RIGHTS OF COMMISSION NOT TO BE IMPAIRED:

Section 10. The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant, shall never be construed as impairing the right of the Commission to insert in such franchise or grant, any other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures or any other provision whatever, as the Commission shall deem proper to protect the interests of the people.

COMMISSION MAY GRANT AND REVOKE CERTAIN PERMITS:

Section II. The Commission may grant a permit at any time, in or upon any street, alley or public place, provided such permit shall be revocable by the Commission at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

COMPENSATION FOR FRANCHISE - REVIEW - TAXATION:

Section 12. No franchise, lease, permit or right to use the street or public places or property of the Village shall be granted by the Village without fair compensation to the Village therefore. Where the franchise, lease or grant fixes the rate of fare or the rate to be charged for the service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change at the end of every ten years' period during the life of said franchise in such manner and form as in said franchise shall be provided. No such compensation by any such grantee shall ever -be in lieu of any lawful taxation upon its property, or of any license or charges which are not levied on account of such use.

CHARTER TO GOVERN OTHER FRANCHISES FOR USE OF STREETS:

Section 13. All contracts, grants, rights, privileges or franchises for the use of streets and alleys of the Village not herein mentioned shall be governed by all the provisions of this Charter, and all amendments, extensions or enlargements of any contract, right, privileges or franchises previously granted by this Village to any person, firm or corporation for the use of the streets and alleys of such Village, shall be subject to all the conditions herein provided for, in this Charter, for the making of original grants and franchises.

CONTRACTS GRANTING FRANCHISES TO BE MADE BY ORDINANCES:

Section 14. All contracts granting or giving any original franchise right or privilege, or extending or renewing or amending any existing grant, right, privilege or franchise, shall be made by ordinance and not otherwise.

INSPECTION AND REGULATION PROVIDED FOR BY ORDINANCE:

Section 15. The Commission may, by ordinance, provide for efficient inspection and to that end shall provide means for the inspection of the quality and pressure of the gas furnished to consumers, the candle power, voltage and insulation of electric wires, heat and power furnished the Village and its inhabitants, and the inspection and installation of meters for registering the consumption of any commodity sold by grantee operating under franchise, grant or license from the Village of Estral Beach, or the State of Michigan, it being the intention of this Section to provide means for securing to the Village efficient service from all public utilities operated in the Village and the proper observance by such operators of the conditions imposed by their respective franchises, ordinances and the laws of the State.

CHAPTER XVI.

MISCELLANEOUS

VILLAGE - CONSTRUCTION OF TERM:

Section 1. The term "Village" whenever used in this Charter, shall be construed to mean the Village of Estral Beach.

VILLAGE SHALL NOT HOLD STOCK IN INCORPORATED COMPANY:

Section 2. This Village shall not become the owner or holder of stock or shares in any incorporated company.

AFFIDAVIT OF PUBLICATION OF NOTICE:

Section 3. When, by the provisions of this Charter, notice of any matter or procedures is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same when require to be by posting shall be prima facie evidence of the facts therein contained; provided, the same shall be filed with the Village Clerk within six months from the date of the last publication thereof, or of posting the same.

WHEN MAY ISSUE BONDS TO PAY JUDGMENT OR DECREE:

Section 4. Whenever any judgment or decree of any court shall be rendered or decreed against the Village of Estral Beach, and the said Village shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the Commission of said Village to issue the bonds of such Village to an amount not exceeding the sum

of judgment or decree and the taxed cost arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be payable at such times and place and at such rate of interest not exceeding six per cent per annum, as shall be prescribed by the Commission, and such bonds shall be sold and disposed of at not less than par value, in such manner as may be deemed advisable by said Commission.

BOARD OF TRUSTEES, ETC. - CONSTRUCTION OF TERMS:

Section 5. Whenever, in any law of this State the governing body of a village is described as the "Board of Trustees", the "Trustees", or "Common Council" or "Council", it shall be construed to mean the body herein described as the Village Councilor Commission.

FIRST ELECTIVE OFFICERS AND COMMISSION - TO TAKE OFFICE IMMEDIATELY AFTER FIRST VILLAGE ELECTION:

Section 6. The elective officers and the Commission elected at the election at which this Charter was adopted, upon having duly qualified for their respective offices, shall immediately be vested and charged with all the rights, powers and duties conferred upon them by this Charter and they shall at once proceed to appoint all necessary officers, agents and employees.

POWER GRANTED BY ACT 278 OF 1909 - PART OF THIS CHAPTER:

Section 7. Any provision of Act 278 of the Public Acts of the State of Michigan of 1909, as now amended or as the same may hereafter be amended, granting powers to the Village incorporated thereunder, which powers may not have been herein enumerated, shall be considered and shall be a part of this Charter, unless to the contrary in this Charter provided.

AMENDMENTS TO CHARTER - HOW MADE:

Section 8. Amendments to this Charter may be made and shall be made in accordance with the provisions of said Act No. 278 of the Public Acts of Michigan of 1909, as now amended or as the same may hereafter be amended.

CONFLICTING PROVISIONS OF CHARTER - HOW CONSTRUED:

Section 9. Whenever the provisions of different sections of this Charter conflict with the order, the conditions imposed by each of such conflicting provisions are to be observed, if possible.

INCORPORATION - EXPENSE OF:

Section 10. All expenses incurred in the matter of the incorporation of said Village of Estral Beach, including the drafting of this Charter, shall be, and the same hereby are, assumed by said Village and hereby declared to be a debt thereof.

WORKMEN'S COMPENSATION LAW:

Section 11. The Village shall be subject to the provisions of the Workmen's Compensation Law, being Chapter No.1 0 1 of the Compiled Laws of the State of Michigan of 1915, as the same not exists or hereafter may exist.

VILLAGE OFFICERS - WHO ARE AND WHO ARE NOT:

Section 12. The President, Commission men, Clerk, Treasurer, Assessor, Chief of Police, Chief of Fire Department, Superintendent of Public Works, and all heads of other departments which the Commission may establish, together with their duly authorized deputies, shall be deemed and shall be considered the officers and officials and the only officers and officials of the Village. All agents and other employ of the Village shall be deemed and shall be employees and employees only, of the Village.

SYSTEM OF ACCOUNT - COMMISSION MAY ADOPT:

Section 13. The Commission may provide for the adoption of any system of accounts which shall conform to any uniform system required by the Law.

WHEN CERTAIN DAYS ARE SUNDAYS AND HOLIDAYS:

Section 14. Whenever the day on which something is to be done, under the provisions of this Charter, is a Sunday of Holiday, then such Sunday of holiday shall be excluded in computing time and such thing shall be done on the first succeeding secular day.

MAJORITY VOTE OF THE COMMISSION - DEFINITION:

Section 15. When in this Charter the term "Majority Vote of the Commission" is used, such term shall mean "The concurring vote of a majority of the members of the Commission present at any legal meeting of the Commission."

BORROWING MONEY TO RUN VILLAGE:

Section 16. The first Commission of the Village shall have the power to borrow a sum of money not to exceed Fifteen Thousand Dollars (\$15,000.00) for the purpose of paying in full the expenses of the incorporation of, and establishment of, the government for said Village and also the necessary running expenses thereof from the time this Charter becomes Law until funds are provided from the general taxes. Such loan shall be made upon the full faith and credit of said Village, and shall be repaid out of the general Village taxes, collectible during the year 1927. Said Commission in the annual budget of 1927 shall make full provision for levying assessing and collecting of general taxes for the purpose of repaying such loan.

SERVICE OF PROCESS ON VILLAGE:

Section 17. All process against this Village shall run against said Village in its corporate name and may be served by leaving a certified copy with the President of Clerk, at such time and manner as may be provided by law.

SUBDIVISIONS - HOW MADE:

Section 18. No land or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within said Village except by permission and approval of the Commission by resolution passed for that purpose; not until the proprietor shall file with the Village Clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the Council, and made to their satisfaction; showing also the relative position, and location of such lots and streets of the Village; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of the Register of Deeds of the County in which said Village is located, until a certificate has been endorsed thereon by the Village Clerk~ under the seal of said Village, showing that such plat and dedication has been approved by the Council; nor shall said Village by reason of such approval, be responsible for the improvement, care, and repairs, of such streets and alleys excepting such as the Commission shall accept and confirm by ordinance or resolution.

VACATION OF INCORPORATION OF VILLAGE:

Section 19. The incorporation of the Village of Estral Beach may be vacated in the manner provided for the vacation of the incorporation of any Village of the general laws of this State.

EFFECT OF ILLEGALITY ON PART OF CHARTER:

Section 20. Should any portion of this Charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of this Charter.

SALOONS:

Section 21. No license shall be granted to any person, firm or corporation authorizing such person, firm or corporation to operate a saloon for the ale of spirituous and intoxicating liquors; provided, however, that nothing herein contained shall present the dale of such liquor for medicinal, mechanical, scientific or sacramental purposes, by any druggist under and in compliance with the State Law, and such other requirements as may be imposed by ordinance.

SALOONS ~ SUPPRESSION OF:

Section 22. Saloons for the sale of spirituous and intoxicating liquors within the corporate boundaries of this Village, are hereby suppressed.

LICENSES TO MANUFACTURE OR SELL INTOXICATING LIQUORS PROHIBITED:

Section 23. The manufacture and sale, either at wholesale or retail of malt, brewed, vinous, distilled, fermented, spirituous and intoxicating liquors within the corporate boundaries of this Village, are

hereby prohibited; provided, however, that nothing herein contained shall prevent the sale of such liquors for medicinal, chemical, scientific or sacramental purposes, by any druggist or registered pharmacist under and in compliance with the National and State Laws and such other requirements as may be imposed by ordinance.

MANUFACTURE AND SALE OF INTOXICATING LIQUORS PROHIBITED:

Section 24. The Commission shall have power to provide, by ordinance, for the regulation or prohibition of the transportation or delivery of malt, brewed, vinous, distilled, fermented, spirituous and intoxicating liquors within the limits of the Village of Estral Beach; provided, that such prohibition shall not affect the transportation and delivery to a druggist or registered pharmacist, of such liquors under and in compliance with the general laws of the United States and the State of Michigan permitting the transportation and delivery of such liquors for medicinal, mechanical, chemical, scientific or sacramental purposes.

DUTY OF COMMISSION:

Section 25. The Commission shall enforce the provisions of the preceding Section.

CHANGE IN VOTING DISTRICTS:

Section 26. When the number of votes cast in any election district at any regular Village election shall exceed six hundred, the Commission shall have the power to establish additional voting districts in such district, and fix the boundaries thereof; provided that when such additional voting district is determined upon, the Commission shall so fix the boundaries of such districts that each shall contain as nearly as may be an equal number of electors, and the number of voting districts so divided, shall not exceed one for each six hundred votes or fraction thereof as shown by the vote cast at the last preceding annual Village election.

CIVIL SERVICE SYSTEM:

Section 27. In appointment, removal or promotion of officers or employees of the Police, Fire and other departments of the Village the President and the Commission shall as far as possible, conform to a uniform civil service system, based on their respective qualifications and performance of duty, and without any reference to their political faith or party affiliation.

OFFICERS AND EMPLOYEES OF VILLAGE:

Section 28. No officer or employee elected or appointed in the Village shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services, professional or otherwise, to be performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of the Village. No such officer or employee shall accept or receive, directly or indirectly, from any person, firm or corporation operating

within the territorial limits of said Village, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any frank, free ticket or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation any other service upon terms more favorable than are granted to the public generally. Any violation of the provisions of this Section shall be a misdemeanor, punishable as hereinafter provided in this Section, and every such contract or agreement shall be void.

FREE TRANSPORTATION TO BE GIVEN TO POLICEMEN AND FIREMEN ONLY:

Section 29. Such prohibition of free transportation shall not apply to policemen or firemen in uniform. Any officer or employee of the Village who, by solicitation or otherwise, shall exert his influence directly or indirectly, to influence other officers or employees of said Village, to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, labor or other valuable thing to any person for election purposes, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding One Hundred Dollars, or by imprisonment in the County Jail, not exceeding thirty days.

OFFICIAL OR LEGAL TIME:

Section 30. The official or legal time of the Village shall be Central Standard Time; and whenever time is referred to in this Charter, it shall mean Central Standard Time; provided, however, that whenever the State of Michigan shall designate a different time for use in connection with elections, then the standard time used by the State shall be the official time of the Village.

CHARTER - WHEN EFFECTIVE:

Section 31. This Charter shall become and be the Charter of said Village of Estral Beach, Monroe County, Michigan, when it has been approved by a majority of the qualified electors of said Village voting thereon at a special election called for the purpose; and when two printed copies thereof, with the vote for and against, duly certified by the Village Clerk, shall be filed with the Secretary of State of the State of Michigan, and a like number with the Clerk of said County of Monroe; provided, however, that such copies must be filed within thirty days from the day of said special election.

FILING CHARTER AND PROCEEDINGS IN CLERK'S OFFICE:

Section 32. Upon filing said copies of this Charter, the Village Clerk shall request from said Secretary of State and from said Clerk of Monroe County, a certificate of such filing. Immediately upon receipt thereof, he shall attach the same to the original Charter certified under the hands of the Charter Commission and hearing the approval of the Governor, and, in a proper affidavit to be thereto attached, shall certify such Charter, receipts, etc., and the date upon which this Charter became effective. Such Charter, receipts and affidavits, together with a full copy of all proceedings of the Charter Commission submitting this Charter to the vote of the qualified electors, shall be filed in the office of the Clerk and shall not be removed there from except upon the order of the Commission.

CONTRACTS - ADVERTISEMENTS FOR PROPOSALS:

Section 33. No contract shall be entered into by the Village for the making of any public improvement or for the purchase of any materials, tools, apparatus, or any other thing or things, the consideration or cost of which shall exceed Five Hundred Dollars (\$500.00), until specifications shall be prepared therefore and published advertisement made for sealed proposals thereon; provided however, that by a vote of two-thirds of the members of the Commission-elect, such contracts may be made without advertisement, the consideration for which shall not exceed One Thousand Dollars (\$1000.00).

PUNISHMENT FOR MISDEMEANORS:

Section 34. All offenses herein declared to be misdemeanors shall be punishable, unless herein otherwise provided for, by a fine not exceeding One Hundred Dollars, or by imprisonment in the County Jail or the Village Jail for a period not to exceed ninety days, or both such fine and imprisonment.

FREEHOLDER - DEFINITION OF TERM:

Section 35. The term "freeholder" is for the purpose of this Charter, hereby defined to mean any person holding an inheritable interest in land under a deed, either individually or by entirety or under land contract by which such person is purchasing land situated in the Village, either individually or jointly with another or others, or by entirety~ Any person possessing the qualification of a freeholder as herein defined shall be deemed to be an "owner" of property for the purpose of signing a paving petition.

NEWSPAPER OF GENERAL CIRCULATION - DEFINITION:

Section 36. "A newspaper of general circulation," as referred to or mentioned in this Charter, shall be construed to mean any daily or weekly newspaper published in this Village or in the City of Monroe, having a general circulation in the Village. The Commission shall secure competitive bids from the publishers of such newspaper and award the printing of all official notices, reports and advertisements to the lowest bidder, for a portion of all of any fiscal year. Such successful bidder shall be the official newspaper for the Village.

PERSONS CONVICTED OF VIOLATING ORDINANCES - PUNISHMENT:

Section 37. Any person who shall be convicted by a Court of competent jurisdiction of violation of any provision of this Charter, or of any Village ordinance, and who shall be sentenced to imprisonment in the County Jail or the Village Jail, may on resolution of the Commission, be compelled to work without compensation, during such term of imprisonment on any public work of the Village under such department thereof as the Council may determine.

RECORDS OF VILLAGE TO BE KEPT IN ENGLISH LANGUAGE:

Section 38. All records of the proceedings of the Commission and records of the Village shall be kept in the English Language in the books or journal of the Village.

SYSTEM OF ACCOUNTS:

Section 39. The system of accounts of the Village shall conform to any uniform system which may be required by Law.

RECORDS OF VILLAGE OPEN TO INSPECTION:

Section 40. All the records of this Village shall be public and open to inspection at all reasonable times.

FISCAL YEAR:

Section 41. The fiscal year of the Village shall end with the 31st day of December of each year.

SALE OF WATER, HEAT, LIGHT AND POWER BY THE VILLAGE:

Section 42. The Village Commission may, by ordinance or resolution provide for 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.

DUTIES OF CLERK AND APPOINTIVE OFFICERS:

Section 43. All appointive officers shall perform such duties other and further than those prescribed in this Charter as shall be prescribed by ordinance or resolution of the Commission.

INSPECTION OF BOOKS AND RECORDS:

Section 44. All books, papers, records and accounts of any office, elected or appointed, or of any office or department of the Village, shall be the property of the Village, and shall at all times be subject to audit, examination or inspection by any members of the Commission, or by any person employed or designated by the Commission for that purpose.

AMENDMENT OR REVISION OF CHARTER:

Section 45. This Charter may be amended or revised in the manner provided by the general laws of the State and may be vacated by a majority vote of the qualified electors voting thereon at any regular election or any special election called by the Commission of the Village of Estral Beach, and the procedure in such case shall be the same as is provided by law for the amendment or revision of the charters of villages. This Charter shall not be amended~ revised or repealed, or the integrity of the municipal organization and incorporation of the Village surrendered, abandoned or lost, otherwise than in the manner herein before provided.

SEAL:

Section 46. Until otherwise changed by the Commission, the seal shall read "Corporate Seal of the Village of Estral Beach, Incorporated."

OMISSIONS:

Section 47. Any acts or omissions in the construction of this Charter by the said Charter Commission - said acts or omissions shall be governed by the State Laws of the State of Michigan governing charters for commission of villages.

CHAPTER XVII.
SUBMISSION AND ELECTION

WHEN SUBMITTED:

Section 1. This Charter shall be submitted to the electors of the Village of Estral Beach, for their approval or rejection at any election to be held on the 13th day of September 1926, on which day there shall also be elected the several elective Village Officers provided for in this Charter.

PUBLICATION OF CHARTER:

Section 2. Prior to the submission of this Charter, it shall be published at least once in a newspaper of general circulation published and circulation in said Village, not less than two weeks nor more than four weeks preceding said election, together with a notice of said election, which notice shall state that at said election, the question of adopting said proposed Charter will be voted on, and that the elective officers provided for therein will be elected, and shall also state the location of the polling place of said election and any other matters required by law. Notice of said election shall also be posted in at least ten public places within the Village, not less than ten days prior to said election.

PRIMARY ELECTION:

Section 3. A primary election for the nomination of a candidate for the Village offices to be voted upon at such election, to be held on the 13th day of September" 1926, shall be held on Monday the 31st day of August" 1926.

ELECTION DISTRICTS:

Section 4. The elections districts for said election and primary election shall be the same as those last established by the Township of Berlin.

BALLOTS:

Section 5. The ballots for elective officers at said election and primary election shall be as nearly as possible in the form provided by Chapter IV of this Charter, and the form of the ballot on the question of the adoption or rejection of this Charter shall be as follows:

OFFICIAL BALLOT

(Instructions; a cross (X) in the square before the word "Yes" is in favor of the Charter, and before the "No" is against the Charter.)

"Shall the proposed Charter for the Village of Estral Beach, drafted by the Charter Commission elected on the 16th day of December 1925/ be adopted? "

___ Yes

"Shall the proposed Charter for the Village of Estral Beach, drafted by the Charter Commission elected on the 16th day of December 1925, be adopted?"

___ No

WHO IS ENTITLED TO VOTE:

Section 6. All qualified electors residing within the limits of the Village of Estral Beach, whose names appear on the last registration books of the Township of Berlin, shall be deemed to be registered electors of the Village of Estral Beach for the purpose of said election and primary election. There shall be a registration of the qualified electors residing in the territory comprised within the Village of Estral Beach and not already registered on the registration books of the Township of Berlin, previous to said election and to said primary election. The registration for and immediately prior to the election at which this Charter shall be submitted, shall be had at the time and in the manner provided for by the general registration laws of the State, and in relation to such registration, the Clerk of the Township of Berlin shall perform all duties therein provided to be performed by the Township Clerk. The registration for and immediately prior to the primary election to be held upon the 31st day of August 1926, shall be held in the polling places in the election districts in this Chapter provided for, upon the 23rd day of August 1926, between the hours of 8 o'clock A.M. Central Standard r-rime and 8 o'clock P.M. Central Standard Time of said day. Said registration shall be conducted by such assistance as the Clerk of the Township shall designate, and in a number not to exceed two for each election district, and in relation to said last mentioned registration, the Township Clerk shall perform all the duties provided by the laws of the State to be performed by township and village clerks. Said Township Clerk shall give notice of said registration as may be provided by the registration of the State.

WHEN POLLS OPEN:

Section 7. The polls for said election and primary election shall be opened at 7 o'clock in the forenoon, Central Standard Time, as soon thereafter as may be, and shall be continued open until 8 o'clock in the afternoon, Central Standard Time, of the same day.

ELECTION OFFICERS:

Section 8. Said election and primary election shall be conducted by such inspectors, clerk and gatekeepers as shall hereafter be designated by resolution of this Charter Commission.

CANVASS OF YOTES:

Section 9. The votes cast at said election and primary election shall be canvassed by a canvassing board of three electors to be hereafter designated by resolution of this Charter Commission.

PUBLICATION OF NOTICES:

Section 10. All notices of said election, shall be published in a newspaper of general circulation, published in the Village of Estral Beach.

PRIMARY AND ELECTION - HOW CONDUCTED:

Section 11. Except as in this Chapter otherwise provided, said election ,and primary election shall be noticed and conducted and all nominations made in the same manner as is provided in the general election laws as to nominations, registrations and elections.

DUTIES OF TOWNSHIP CLERK ON CHARTER:

Section 12. All notices herein required shall be signed by the Clerk of the Township of Berlin, and below his signature he shall attach the following words: "By order of Charter Commission of the Village of Estral Beach." Said Clerk of the Township of Berlin shall also perform all other duties in relation to said nominations registrations, election and primary election, as are in this Charter required, or may be required of township, village or city clerks, under the election laws of this State.

CANVASS OF VOTES - WHEN:

Section 13. The canvassing board of said primary election shall meet at the Council Chamber of the Township Board, of Berlin Township, Michigan, on the first secular day following said primary, at 8 o'clock P.M. and canvass the votes cast at said primary election and determine the result thereof. The canvassing board appoint to canvass the votes cast at the said election to be held on the 13th day of September, 1926, shall upon the next secular day after said election, meet and canvass the votes cast at said election and determine the results thereof.

COPIES OF CHARTER TO BE FILED:

Section 14. If this Charter be approved at said election, then two printed copies thereof, with the vote for and against the same, duly certified by the Village Clerk, shall, within thirty days after the vote is taken, be filed with each, the Secretary of State of the State of Michigan, and the County Clerk of Monroe County, and upon the filing thereof, this Charter shall become effective.

(Signed)

<u>Thea. A. Jansheski</u>	Chairman
<u>Peter H. Aber</u>	Secretary
<u>Edward G. Schink</u>	

Chas. H. Petrosky

Joseph W. Hunter

Members of the Charter Commission,
Village of Estral Beach.

RESOLUTION

Resolution by Commissioner Edward G. Schink supported by Commissioner Joseph W. Hunter:

Resolved, That the Charter Commission of the Village of Estral Beach does hereby adopt the foregoing Charter, and the Secretary is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute, for his approval.

Yeas, Commissioner Theo. A. Jansheski, Peter H. Aber, Edward G. Schink,
Chas. H. Petrosky, Joseph W. Hunter,

Nays - Commissioners, None.

Absent - Commissioners, None.

I, Peter H. Aber, Secretary of the Charter Commission, elected to frame a charter for the Village of Estral Beach, do hereby certify that the above Charter was adopted by said Charter Commission, at a session thereof held on the 10th day of July, 1926, and that the foregoing is a true and correct copy of the resolution and vote thereon, by which said Charter was adopted.

(Signed) Peter H. Aber

Secretary of the Charter Commission.

Dated, July 10, 1926.

Approved:

Alex J. Groesbeck

Governor of the State of Michigan

Lansing, Michigan July 24th, 1926.

John S. Haggerty
Secretary of State

(State of Michigan Seal)

Sydney A. Schulte
Deputy Secretary

STATE OF MICHIGAN
DEPARTMENT OF STATE LANSING

In replying refer to
Compiling Division

May 9, 1927

Schmalzriedt, Frye & Granse
Attorneys & Counselors At Law
1442-5 Majestic Building
Detroit, Michigan

Gentlemen:

I herewith acknowledge receipt of two copies of the Charter of the Village of Estral Beach which I have filed under date of May 9, 1927.

Very respectfully,
(Signed) John S. Haggerty
Secretary of State.

CB / EW

Viril Snyder, Clerk

Office of COUNTY CLERK

Monroe County
Monroe Michigan

May 3, 1927.

This is to certify that I have this day received from Mr. Thea. A. Jansheski 2 copies of the Charter of Estral Village, as voted on at an election held in said Village on the 13th day of September, A.D. 1926, and have filed the said copies in my office.

(Signed) Viril Snyder
County Clerk

May 4, 1927.

Hon. John S. Haggerty,
Secretary of State,
Lansing, Michigan.

Dear Sir;

We enclose herewith 2 printed copies of the Charter of the Village of Estral Beach, Monroe County, with Certification of election, copies of notices etc. attached, which please file.

This Charter was approved by the Attorney General and the Hon. Alex J. Groesbeck, Governor, on July 24, 1926. Two copies were likewise filed with the County Clerk of Monroe County on May 3, 1927. Kindly send us certificate of filing.

Yours very truly,

SCHMALRIEDT, FRYE & GRANSE,

By:

G:M

Village of Estral Beach, Michigan

April 30, 1927.

I, Clerk of the Village of Estral Beach, do hereby certify that the within and annexed printed pages of the Dundee Reporter, dated August 28, 1926, containing a full, true and direct printed copy of the Village Charter of the Village of Estral Beach, as drafted by the Charter Commission of the said Village, elected on the 16th day of December, A.D. 1925, and submitted for their approval, to the qualified electors of the said Village at an election held in said Village on the 13th day of September, A.D. 1926.

I do further certify that the annexed certificates and notices attached to said printed copy of said Charter, is a true and correct statement of the votes cast at said election, both for and against the said Charter, as certified to me by the Canvassing Board appointed by the Charter Commission of the Village of Estral Beach, to canvass the votes and returns of the Village Election held in the Village of Estral Beach upon the 13th day of September, A.D. 1926.

(Signed)

Peter H. Aber

Clerk of the Village of Estral Beach

STATE OF MICHIGAN)
) SS:
COUNTY OF MONROE)

Lee A. Francisco, being first duly sworn, deposes and said that he is the Clerk of the Township of Berlin, County of Monroe and State of Michigan.

Deponent further says that on the 31 st day of July, A.D. 1926, he caused to be posted, as required by law, Notices of Registration and Notices of the Primary Election, to be held in the Village of Estral Beach on the 31st day of August A.D. 1926, in the following places, to wit:

- One on a tree in front of the Polling Booth at Port Sunlight Dancing Pavilion, on Turnpike Road,
- One on Adolph Luttermoser Garage,
- One on tree in rear of Henry Habermas lot on Beach Road,
- One on tree in rear of Edward Schink lot on Beach Road,
- One on Petrosky Dancing Pavilion on Beach Road,
- One on Duclos Garage on Beach Road,
- One on tree near Mike Kristalekis lot,
- One on Petrosky Oil Station,
- One on Bridge over Canal,
- One on Peter Sovey Hotel.

Deponent further says that the places where said Primary Election Notices and Notices of Registration were posted as above enumerated, were the most public places in the Village of Estral Beach.

Deponent also says that the attached and following are true copies of the Notices of said Primary Election and Notices of Registration as were caused to be posted by me.

Further, deponent saith not.

(Signed) Lee Francisco
Berlin Township Clerk

Subscribed and sworn to before me this 30th day of April A.D. 1927.

Henry G. Niedermier
Notary Public, Monroe County, Michigan
My Commission expires: March 1, 1928

PRIMARY ELECTION NOTICE OF REGISTRATION
FOR THE PROPOSED INCORPORATION OF ESTRAL BEACH VILLAGE

The Township Board of Registration of the Township of Berlin, Monroe Co., Michigan, will be in session on Thursday, August 12th, 1926, to register all qualified voters of the proposed district to be incorporated, from eight o'clock A.M., until five o'clock P.M. Eastern Standard Time, at the Township Clerk's Office, Newport, Michigan.

Lee A. Francisco
Township Clerk, Berlin Township.

PRIMARY ELECTION NOTICE

A Primary election will be held at the Port Sunlight Pavilion on Tuesday, August 31, 1926, for the purpose of nominating the several officers, to be voted on at the General Election for Estral Beach Village, to be held Sept. 13th, 1926. The following officers to be nominated:

- One Village President,
- One Village Clerk,
- One Village Treasurer,
- One Village Assessor,
- Three Village Trustees, Long Term,
- Three Village Trustees, Short Term.

Polls will open at Seven o'clock A.M. and close at eight o'clock P.M., Eastern Standard Time.

LEE A. FRANCISCO,
Township Clerk of Berlin Township,
Monroe County, Michigan.

NOTICES OF REGISTRATION AND NOTICES FOR THE ELECTION TO BE HELD IN THE VILLAGE OF ESTRAL BEACH ON SEPT. 13, 1926 FOR ELECTION OF OFFICER

STATE OF MICHIGAN)
MONROE COUNTY) SS

LEE A. FRNCISCO, being first duly sworn, deposes and says that he is Clerk of the Township of Berlin, County of Monroe and State of Michigan.

Deponent further says that on the 17th day of August, A.D. 1926, he caused to be posted as required by law, Notices of Registration and Notices for the election to be held in the Village of Estral Beach on the 13th day of September, A.D. 1926, for the purpose of electing officers as provided for in the Charter and Notices for the submission of the proposed Charter to the qualified electors of the Village of Estral Beach, in the following most public places, to wit:

- One on a tree in front of the Polling Booth at Port Sunlight Dancing Pavilion, on Turnpike Road,
- One on Adolph Luttermoser Garage,
- One on tree in rear of Heney Habermas lot on Beach Road,
- One on tree in rear of Edward Schink lot on Beach Road,
- One on Petrosky Dancing Pavilion on Beach Road,
- One on Duclos Garage on Beach Road,
- One on tree near Mike Kristalek's lot,
- One on Petrosky Oil Station,
- One on Peter Sovey Hotel,
- One on Bridge over Canal.

Deponent further says that the places where said Notices of Registration, Election and Charter Submission were posted, as above enumerated, were the most public places in the Village of Estral Beach.

Deponent also says that the attached and following are true copies of the Notices of said Election and Notices of Registration as were caused to be posted by me.

Further, deponent saith not.

(Signed) Lee Francisco

Berlin Township Clerk.

Subscribed and sworn to before me this 30th day of April, A.D. 1927

(Signed)

Henry G. Niedermeir

Notary Public, Monroe County, Michigan

My Commission expires March 1, 1928.

REGISTRATION NOTICE OF ESTRAL BEACH GENERAL ELECTION

The Berlin Township Board of Registration will be in session at the Clerk's office in said Township on Saturday, August 28th, 1926, from seven o'clock A.M. until five o'clock P.M., Eastern Standard Time for the purpose of registering all legal voters in the proposed district to be incorporated into the district of Village of Estral Beach.

LEE A. FRANCISCO,
Township Clerk, Berlin Township
Monroe County, Michigan.

GENERAL ELECTION NOTICE

A general election will be held at Port Sunlight Pavilion on Monday, September 13th, 1926, in the proposed district to be incorporated as the Village of Estral Beach. Votes will be recorded for and against the Charter adoption, and the election of a Village President, Village Clerk, Village Assessor and Village Treasurer, and three Commissioners Long Term, and three Commissioners Short Term. Polls will be open from seven o'clock A.M. and remain open until eight o'clock P.M., Eastern Standard Time.

LEE A. FRANCISCO,
Township Clerk, Berlin Township
Monroe County, Michigan.

Meeting of the Canvassing Board, duly appointed by the Village of Estral Beach to canvass the votes for the Election held in the Village of Estral Beach on the 13th day of September A.D., 1926 duly convened in the Township Clerk's Office, Township of Berlin, Monroe County, Michigan, on the 14th day of September A.D., 1926, at the hour of (8) eight P.M., for the purpose of canvassing the votes of said Election to determine the results of said Election upon all matters and things voted upon at said Election:

Present: GEORGE W. FRANCISCO
 LEE A. FRANCISCO
 PETER H. ABER

The attached being the canvass of the vote upon all matters and things voted upon and which canvass being thereafter duly certified to, and signed our names on the 14th day of September, A.D. 1926.

The Canvassing Board appointed by the Charter Commission for the Village of Estral Beach, to canvass the returns of the Village Election held in said Village upon the 13th day of September, A.D., 1926, as submitted to the Canvassing Board by the Election Board of the precinct of the said Village, after reviewing the said return and comparing the poll books and tally sheets used at the said Election, hereby determines and declared the result of said Election to have been as follows:

"Shall the proposed Charter for the Village of Estral Beach, drafted by the Charter Commission elected on the 16th day of December, A.D. 1925, be adopted."

For the adoption of said Charter	55 votes.
Against the adoption of said Charter	No votes.
Total number of votes cast on said Charter	55 votes.
Number of spoiled ballots	3 votes.

Results of Election held at Estral Beach, September 13, 1926

For Village President

THEODORE A. JANSHESKI	42 Votes.
WILLIAM PRAIT	1 Vote.
OSEPH FUHRMAN	4 Votes.

For Village Clerk:

PETER H. ABER	55 Votes.
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For Village Treasurer:

OSEPH HUNTER	43 Votes.
JOHN EDWARDS	11 Votes.
WILLIAM PRATT	2 Votes.

For Village Assessor:

HENR Y J. HAB ERMAS	42 Votes.
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JOHN EDWARDS	11 Votes.
For Village Commissioners - Long Term:	
CLARENCE A. BASKE	52 Votes.
WILLIAM A. WESTPHAL	52 Votes.
FRED LAPEARL	54 Votes.
For Village Commissioners - Short Term:	
FRANK A. CLARK	52 Votes.
WILLIAM VAN SHOICK	48 Votes.
ARTHUR A. WALTERS	51 Votes.
TIMOTHY BURKE	2 Votes.
FRED LAPEARL	4 Votes.

(Signed) Geo. N. Francisco
Lee Francisco
Peter H. Aber

Canvassing Board for the Village Election held at Estral Beach upon the 13th day of September A.D. 1926.

Canvass of votes and Certificate of Election of the Canvassing Board appointed by the Charter Commission for the Village of Estral Beach to canvass the returns of the election held in the Village of Estral Beach on the 13th day of September A.D. 1926, in accordance with the provisions contained in said Charter, was submitted to the Canvassing Board by the Election Precinct of the said Village; after reviewing said returns and comparing the poll blocks and tally sheet used at said Election, hereby determine and declare the result of said Election to have been as follows, viz:

"Shall the proposed Charter for the Village of Estral Beach drafted by the Charter Commission elected on the 16th day of December A.D. 1926, be adopted."

Upon the above proposition we determine the said Election to have been carried in favor of said proposition and that the said Charter was duly adopted and approved by the qualified electors present and voting at said Election, and we hereby determine and declare that said Charter was adopted.

This Canvassing Board does further determine and declare that the following named Candidates were elected at the said Election for the respective officers as hereafter enumerated.

THEODORE A. JANSHESKI was elected President of the Village of Estral Beach, to hold office until the second Tuesday in April, A.D. 1928, and until his successor is elected, qualified, and enters upon the duties of his office.

PETER H. ABER was elected Village Clerk to hold office until the second Tuesday in April, A.D. 1927 and until his successor is elected, qualified and enters upon the duties of his office.

HENRY J. HABERMAS was elected Village Assessor, to hold office until the second Tuesday in April, A.D. 1928, and until his successor is elected, qualified and enters upon the duties of h: office.

JOSEPH HUNTER was elected Village Treasurer, to hold office until the second Tuesday in April, A.D. 1927 and until his successor is elected, qualified and enters upon the duties of his office.

CLARENCE A. BASKE was elected Village Commissioner, to hold office until the second Tuesday in April, A.D. 1928, and until his successor is elected, qualified and enters upon the duties of his office.

FRED LEPEARL was elected Village Commissioner to hold office until the second Tuesday in April A.D. 1928, and until his successor is elected, qualified and enters upon the duties of his office.

FRANK A. CLARK was elected Village Commissioner, to hold office until the Second Tuesday in April A.D. 1927, and until his successor is elected, qualified and enters upon the duties of his office.

WILLIAM VAN SHOICK was elected Village Commissioner, to hold office until the second Tuesday in April, A.D. 1927 and until his successor is elected, qualified and enters upon the duties of his office.

ARTHUR A. WALTERS was elected Village Commissioner, to hold office until the second Tuesday in April, A.D. 1927, and until his successor is elected, qualified and enters upon the duties of his office.

We therefore determine and declare that the above named persons have been duly elected at the Election held in the Village of Estral Beach on the 13th day of September, A.D. 1926, for the offices set forth under their respective names, and for the terms herein above set forth.

(Signed) Geo. N. Francisco
 Lee Francisco
 Peter H. Aber

Canvassing Board for the Village Election held at Estral Beach upon the 13th day of September A.D. 1926.

The Board having met and canvassed the votes of the above Election, the following motion was made:

Moved by George A. Francisco

Supported by Peter H. Aber

That We, the said Canvassing Board, do hereby adjourn roll call:

Yeas: George W. Francisco
 Lee A. Francisco
 Peter H. Aber
Noes: None
Absent: None

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