

CHARTER

OF THE CITY OF

EAST GRAND RAPIDS

MICHIGAN

As Passed by Vote of Electors on November 6, 1990

Effective January 1, 1991

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PREAMBLE

We, the People of the City of East Grand Rapids, Michigan, under the authority of the Constitution and General Laws of the State of Michigan, hereby adopt this Charter for the City of East Grand Rapids, Michigan.

CHAPTER I: NAMES AND BOUNDARIES

§ 1.1 INCORPORATION.

The municipal corporation known as the “City of East Grand Rapids” shall continue as a body corporate under the laws of the State of Michigan.

§ 1.2 BOUNDARIES.

The city shall include all the territory described as follows:

Commencing at the Southwest corner of Section 33, Town 7 North of Range 11 West, thence North along the West line of Sections 33 and 28 to the center line of Robinson Road, thence Easterly along the center line of Robinson Road and Cascade Road across Sections 23 and 27 to the East line of Section 27, thence South along the East line of Sections 27 and 34, Town 7 North of Range II West to the intersection of a line described as commencing on the West line of Lot 71 Woodcliff Park at a point 18.75 feet Southerly of the Northwest corner thereof and to a point on the Easterly line of said Lot 71, 63.15 feet Southeasterly from the Northeast corner thereof, thence Easterly on said described line to the Easterly line of said Lot 71, thence Southerly to the Southeast corner of said Lot 71, thence Easterly along the North line of Lot 72 said plat to the Northeast corner of Lot 72 and the Westerly line of Hall Street, thence Southerly and Westerly along said line to the East line Section 34, Town 7 North of Range 11 West, thence South to Southeast corner Section 34, Town 7 North of Range 11 West and Northwest corner Section 2, Town 6 North of Range 11 West, thence East 300 feet along North line of Section 2, thence South perpendicular to said North line 158.94 feet, thence Southwesterly to a point 225.0 feet South and 170.0 feet East of the Northwest corner of Section 2, thence Southwesterly to a point on West line of Section 2, 350.0 feet South of Northwest corner of said Section, thence South on West line of said Section 2 also being the East line of Section 3, Town 6 North of Range 11 West, to the East quarter corner of said Section 3, thence West to the center of said Section 3, thence South along the East line of the North 1/2 Southwest 1/4 of said Section 3 to the Southeast corner of said North 1/2 Southwest 1/4, thence West along the South line of the North 1/2 Southwest 1/4 of Section 3 and the North 1/2 Southeast 1/4 Section 4 to the Southwest corner of said North 1/2 Southeast 1/4 of Section 4, thence North to the Northwest corner of the South 1/2 Northwest 1/4 Southeast 1/4 of said Section 4, thence East to the Northeast corner of the South 1/2

West 1/2 Northwest 1/4 Southeast 1/4, thence North to the Northwest corner of the Northeast 1/4 Northwest 1/4 Southeast 1/4 of said Section 4, thence East to the Southwest corner of the East 3/4 East 1/2 Southwest 1/4 Northeast fractional 1/4 of said Section 4, thence North to the Northwest corner of the said East 3/4 East 1/2 Southwest 1/4 Northeast fractional 1/4, thence West to the Southwest corner of the North fractional 1/2 Northeast fractional 1/4 of said Section 4, thence North to the Northwest corner of the said North fractional 1/2 Northeast fractional 1/4 of said Section 4, Town 6 North of Range 11 West, thence West to the Southwest corner of Section 33, Town 7 North of Range 11 West at the place of beginning.

§ 1.3 ANNEXATION.

The city may annex additional territory in the manner provided by state law.

§ 1.4 OFFICIAL MAP.

The city shall maintain and keep available for public inspection the official description and map of the current boundaries of the city.

§ 1.5 WARDS.

The city shall be divided into three (3) wards, which the Commission shall apportion in accordance with Public Act 279 of 1909, as amended, of the Michigan Compiled Laws (Home Rule Cities Act). The Commission's apportionment plan shall contain the legal description of all wards within the city and shall be kept on file at the office of the Clerk.

CHAPTER II: GENERAL MUNICIPAL POWERS

§ 2.1 GENERAL POWERS.

The city is a home rule city as provided by Public Act 279 of 1909, as amended, of the Michigan Compiled Laws (Home Rule Cities Act). Except as expressly limited in this Charter, the city and its officers shall be vested with all powers and immunities that home rule cities may exercise, within or without their territorial limits, and include in their charters, as fully and completely as if those powers were specifically enumerated in this Charter.

§ 2.2 CONSTRUCTION.

The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be

construed as limiting the general powers stated in this Charter or granted to home rule cities under state law.

§ 2.3 EXERCISE OF POWERS.

The powers of the city shall be exercised in accordance with the provisions of this Charter. If this Charter does not provide a procedure for the exercise of any power granted to the city, then a procedure for the exercise of that power contained in a Michigan statute may be invoked by the Commission. If alternate procedures exist under the statutes, the Commission shall select the procedure to be followed. If neither this Charter nor state statutes provide a procedure for the exercise of any power granted to the city, the Commission shall prescribe by ordinance or resolution a procedure for the exercise of the power.

§ 2.4 INTERGOVERNMENTAL RELATIONS.

The city may exercise any of its powers and perform any of its functions jointly or in cooperation with, by contract or otherwise, the United States, Canada, one or more states, and political subdivisions or public agencies thereof.

§ 2.5 PROPERTY BEYOND CITY LIMITS.

The city shall have the power as provided by law to purchase, operate, maintain, regulate and improve property located beyond the territorial limits of the city.

CHAPTER III: CITY COMMISSION AND MAYOR

§ 3.1 COMPOSITION.

The Commission shall consist of the following members:

- (a) A Mayor who shall be elected at large.
- (b) Six (6) Commissioners, two (2) from each ward, who shall be elected by the electors of their respective wards.

§ 3.2 QUALIFICATIONS.

Only registered voters of the city who have been residents of the city for at least one (1) year on or before the date of election at which they are a candidate shall be eligible to hold the office of Mayor or Commissioner.

§ 3.3 TERMS OF OFFICE.

The terms of office of the Mayor and Commissioner shall be four (4) years commencing at noon on the first Monday in December following their election.

§ 3.4 LIMITATION ON HOLDING OFFICE.

A Commissioner shall not serve more than two (2) consecutive four (4) year terms. This limitation shall not apply to the office of Mayor.

§ 3.5 OATH OF OFFICE.

Each member of the Commission shall take and subscribe to the oath of office prescribed by the Constitution for an officer of the state. The oath shall be filed in the office of the Clerk.

§ 3.6 COMPENSATION.

Each member of the Commission shall receive the sum of \$1,000.00 per year as remuneration for service to the city. The Mayor shall receive an additional \$1,000.00 per year. These sums shall be payable in equal monthly installments and shall constitute the only salary or remuneration which a member of the Commission shall receive for service to the city. Members of the Commission may be reimbursed for expenses incurred in the performance of their duties on behalf of the city.

§ 3.7 GENERAL POWERS AND DUTIES.

All powers of the city shall be vested in the Commission, except as otherwise provided by law or this Charter. The Commission shall provide for the exercise of the city's powers and for the performance of all duties and obligations imposed on the city.

§ 3.8 MAYOR AND PRESIDENT OF COMMISSION.

- (a) Mayor. The Mayor shall be recognized as the head of the Commission and shall perform those functions commonly ascribed to the office. The Mayor shall preside over all meetings of the Commission and shall vote on all questions, but shall have no power of veto.
- (b) President. The Commission shall, at its first meeting in each fiscal year, name one of the Commissioners as President of the Commission. In the absence of the Mayor, the president of the Commission shall preside over meetings and in all other respects assume the duties of the Mayor.

§ 3.9 PROHIBITIONS.

- (a) Holding other office. Except where permitted by law, no member of the Commission shall hold any other elected public office, city office, or city employment during the term for which that member of the Commission is elected. This prohibition, however, shall not apply to appointed city or regional boards or commissions. No former member of the Commission shall hold any compensated appointive office or employment with the city until one year after the expiration of the term which the former member of the Commission served.
- (b) Appointments and removals. The Commission and its members may express their views and fully discuss with the Manager any matter pertaining to the appointment or removal of employees or officers of the city, but shall have no power to directly appoint or remove any of those employees or officers, except the Manager and City Attorney.
- (c) Administrative authority. Except for the purpose of investigations authorized under this Charter, neither the Commission nor the members of the Commission shall give orders to any employee or officer subject to the direction and supervision of the Manager.

§ 3.10 VACANCIES.

- (a) Vacancies. A vacancy shall be deemed to exist on the Commission if a member vacates the office as determined by state law or fails to maintain the qualifications for office as prescribed by this Charter or law.
- (b) Filling of vacancies. Any vacancy in the Commission shall be filled by the concurring vote of at least four (4) remaining members of the Commission within ninety (90) days after the vacancy occurs. The appointee shall serve until the next regular city election following the appointment, at which election a successor shall be elected for the unexpired term or, if none, for a new term. If the Commission fails to fill the vacancy within ninety (90) days, the Election Commission shall call a special election to fill the vacancy, which election shall be held not sooner than ninety days and not later than one hundred twenty days following the occurrence of the vacancy.

§ 3.11 JUDGE OF QUALIFICATIONS.

The Commission shall be the judge of the qualifications of its members. A member charged with conduct constituting grounds for creating a vacancy shall be entitled to a public hearing before the Commission. The Commission shall have the power to compel by subpoena the production of documents and the attendance of members of the Commission, officers, and employees of the city as witnesses at the hearing. Failure of a member of the Commission, officer or employee to obey a subpoena shall constitute misconduct in office. Notice of the hearing shall be published in one or more newspapers of general circulation in the city at least one (1) week in advance of the hearing. Decisions made by the Commission under this section shall be subject to judicial review.

§ 3.12 PROCEDURE.

- (a) Regular meetings. Regular meetings of the Commission shall be held at least once each calendar month at times and places as prescribed by the Commission.
- (b) Special meetings. Special meetings of the Commission may be called by the Mayor, or by three (3) or more Commissioners, upon no less than eighteen (18) hours' notice to each member of the Commission. No business shall be transacted at any special meeting of the Commission unless the nature of the business has been stated in the notice of the meeting.
- (c) Open meetings. Regular and special meetings of the Commission shall be open to the public in accordance with Public Act 267 of 1976, as amended, of the Michigan Compiled Laws (Open Meetings Act). The rules of order of the Commission shall provide that citizens shall have a reasonable opportunity to be heard at any open meeting on matters within the jurisdiction of the Commission.
- (d) Quorum. Four (4) members of the Commission shall constitute a quorum for the transaction of business.
- (e) Rules of order. The Commission shall determine its own rules and order of business and keep a written or printed journal in the English language of all its proceedings, which shall be signed by the Clerk. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "yes" and "no" votes and entered upon the record. Each member of the Commission who is present at any meeting shall be required to vote on all questions to be decided by the Commission at the meeting or state for the record a reason or reasons why that member cannot vote on the question.
- (f) Publication of minutes. Minutes of the meetings of the Commission shall be published in accordance with Public Act 267 of 1976, as amended, of the Michigan Compiled Laws.

§ 3.13 INVESTIGATIONS.

The Commission, or its duly appointed representatives, shall have the power to conduct investigations regarding the conduct of any officer, employee, department, committee or board of the city. The Commission, or its duly appointed representatives, shall have the power to hold hearings pertaining to matters under investigation and to compel by subpoena the attendance of witnesses and production of documents. Failure of an officer or employee to obey a subpoena shall constitute misconduct in office.

CHAPTER IV: CITY MANAGER

§ 4.1 APPOINTMENT.

The Commission, upon the affirmative vote of four members of the Commission, shall appoint a City Manager who shall serve as the chief administrative officer of the city. The Manager need not be a resident of the city or state at the time of appointment but may reside outside the city while in office only with the approval of the Commission. The Manager shall serve at the discretion of and be subject to removal by the Commission, but the Manager shall not be removed from office during a period of ninety (90) days following any regular city election, except by an affirmative vote of five members of the Commission. The Commission shall set the Manager's compensation.

§ 4.2 POWERS AND DUTIES.

Except as otherwise provided by law or Charter, the Manager shall:

- (a) Appoint suspend and remove the Treasurer, Clerk, Assessor and Public Safety Director of the city, subject to confirmation of these actions by the Commission;
- (b) Appoint, suspend and remove all employees of the city not included in subparagraph (a) above;
- (c) Direct and supervise the Treasurer, Clerk, Assessor, Public Safety Director and all employees of the city;
- (d) Oversee the administration of all departments within the city;
- (e) Attend Commission meetings, at which the Manager shall have the right to be heard but not to vote;
- (f) Enforce the laws, ordinances, resolutions and provisions of the Charter that are subject to enforcement by the Manager or the Manager's subordinates;
- (g) Prepare and submit the annual budget to the Commission in accordance with this Charter;
- (h) Submit other reports as the Commission may require concerning operations of the city;
- (i) Make recommendations to the Commission concerning city matters;
- (j) Provide staff support services for the Mayor and Commissioners; and
- (k) Perform other duties as required by law, ordinance, resolution or Charter.

§ 4.3 ACTING MANAGER.

By letter filed with the Clerk, the Manager may designate an officer or employee of the city to exercise the powers and perform the duties of Manager during the Manager's temporary absence or disability. The Commission may revoke the designation at any time and appoint another officer or employee of the city to serve until the Manager returns.

CHAPTER V: CITY OFFICERS AND EMPLOYEES

§ 5.1 GENERAL PROVISIONS.

- (a) City officers and employees. The Clerk, Treasurer, Assessor, Manager and City Attorney shall serve as officers of the city. All other persons employed by the city shall be deemed employees of the city. The Commission may by ordinance or resolution prescribe the functions and duties of officers and employees of the city.
- (b) City departments. The Commission may create or change departments within the city and may prescribe the functions and duties of these departments. The Manager may serve as the head of one or more of these departments with the consent of the Commission.

§ 5.2 DUTIES OF CLERK, TREASURER AND ASSESSOR.

The Clerk, Treasurer and Assessor shall report to the Manager and perform those duties as required by law, ordinance, resolution, Charter or by the Manager, as well as the duties set forth below:

- (a) Clerk. The Clerk shall provide notice of, attend, and keep a journal of Commission meetings. The Clerk shall be the custodian of the city seal and all documents and records of the city, unless otherwise provided by law or Charter, and shall administer oaths required by law. The Clerk shall keep the books of account of the assets, receipts and expenditures of the city and keep the Manager informed as to the financial affairs of the city. The systems of accounts of the city shall conform to uniform systems of accounts as provided by state law.
- (b) Treasurer. The Treasurer shall deposit all monies received by the city in the manner as the Commission may determine. The Treasurer shall render investment advice to the city. The Treasurer shall also collect state, county, school and city taxes and assessments in the manner provided by state law.
- (c) Assessor. The Assessor shall prepare and certify the regular and special assessment rolls and shall perform those duties imposed upon assessing officers by state law.

§ 5.3 PERSONNEL SYSTEM.

The Commission may provide for the implementation, regulation and maintenance of a system of personnel management governing officers and employees of the city which is consistent with federal and state law.

§ 5.4 COMPENSATION.

The salary and fringe benefits for all officers and full time, non-temporary employees of the city and the rates of compensation, if any, for members of committees and boards shall be set by the Commission.

§ 5.5 CITY ATTORNEY.

The Commission, upon the affirmative vote of four members of the Commission, shall appoint a City Attorney who shall serve as the chief legal adviser in all city matters. The City Attorney shall represent the city in legal proceedings. The Commission, however, may retain special legal counsel to assist the City Attorney or to handle any matters in which the city has an interest. The City Attorney shall report to and be under the supervision of the Commission and perform any other duties prescribed by law, ordinance, resolution or the Manager.

CHAPTER VI: REGISTRATION, NOMINATION AND ELECTION

§ 6.1 ELECTION PROCEDURE.

Election procedures of the city shall be governed by the general registration and election laws of the state and this Charter.

§ 6.2 ELECTION OF MAYOR AND CITY COMMISSIONER.

Candidates for the office of Mayor shall be nominated from the city at large by petition and elected by the qualified electors of the city. Candidates for the office of Commissioner shall be nominated by petition and elected by the qualified electors of the respective wards in which the candidates reside. One Commissioner shall be elected from each ward at each general election. The terms of office for Mayor and Commissioner shall continue in accordance with the procedures in place at the date of adoption of this Charter.

§ 6.3 NOMINATING PETITIONS.

Each nominating petition shall comply with state law, be signed by not less than twenty-five qualified electors, and be filed with the Clerk by four (4) o'clock p.m. on the twelfth Tuesday preceding the September primary election in each odd-numbered year. Each elector who signs a petition shall date his or her signature and include his or her residential street address on the petition. If an elector signs more petitions for candidates for any office than the number of positions to be filled, then the most recent signatures shall be invalid and if the most recent signatures all bear the same date, then all of those signatures shall be invalid. The circulator of a petition

shall attach to each petition a certificate stating (1) the number of signatures on the petition; (2) that each signature is that of the person whose name it purports to be; and (3) that each signature was made in the presence of the circulator. ***NOTE: The Charter language pertaining to filing nominating petitions for the city's Primary Election is superseded by Michigan Election Law MCL 168.644f(1), as amended. The candidate nominating petition filing deadline is 4:00 p.m. of the 15th Tuesday preceding the Primary Election in each odd numbered year. (See Res. passed 11-20-2017).***

§ 6.4 PREPARATION OF BALLOTS.

Within five days after the expiration of the time limit for filing nominating petitions as set forth in section 6.3, the Clerk shall certify to the board of election commissioners the names of all candidates duly nominated and the special matters to be submitted to the electors. The board shall then prepare the ballots, indicating the name of each candidate and office without any party name or designation, and the special matters, if any, to be voted upon. In accordance with Public Act 116 of 1954, as amended, of the Michigan Compiled Laws (Michigan Election Law), a candidate's name shall not be withdrawn from the election unless a written notice of withdrawal is served on the Clerk not later than four (4) o'clock p.m. within three (3) days after the last day for filing nominating petitions.

§ 6.5 PRIMARY ELECTIONS.

Primary elections for nominating candidates for Mayor and Commissioner shall be held in each ward on the Tuesday following the second Monday in September of each odd-numbered year. The two (2) candidates who receive the highest number of votes for each respective office shall have their names placed upon the general municipal election ballot for that office. If no more than three (3) candidates file nominating petitions for an office, a primary election shall not be held for that office and those candidates shall be declared the nominees for that office in the general municipal election.

§ 6.6 GENERAL ELECTIONS.

General municipal elections shall be held on the Tuesday following the first Monday in November of each odd-numbered year.

§ 6.7 SPECIAL ELECTIONS.

Special municipal elections shall be held when called by resolution of the Commission at least sixty (60) days in advance of the election or when required by law. Any resolution calling a special municipal election shall set forth the purpose of the election.

§ 6.8 CANVASS OF VOTES.

A board of canvassers established pursuant to state law shall canvass the votes of all municipal elections in accordance with law. The board of canvassers shall file with the Clerk the tally of votes cast for each candidate and proposition. Candidates in a primary election shall be elected to run in the general municipal election in accordance with section 6.5. In a general municipal election, the candidate, or candidates where more than one is to be elected for the same office, who receive(s) the greatest number of votes shall be elected. A proposition that receives a greater number of favorable than unfavorable votes shall be adopted. Where there are competing propositions on the ballot, the proposition that receives the greatest number of votes shall be adopted. The Clerk shall notify the successful candidates in writing of their nomination or election and shall notify the Commission of those propositions that are adopted.

§ 6.9 TIE VOTE.

If more than two (2) candidates in the primary election qualify to have their names placed upon the general municipal election ballot because of a tie vote, then the board of canvassers shall determine by lot which two are elected to run in the general election. If two (2) or more candidates in a general municipal election receive an equal number of votes, the board of canvassers shall determine by lot which one is elected to the office. The Commission shall prescribe the method, time and place of the drawing and provide each interested candidate with written notice of the drawing. A proposition that receives an equal number of votes favoring and opposing it shall be deemed defeated.

§ 6.10 BOARD OF ELECTION COMMISSIONERS.

The Clerk, Assessor and City Attorney shall act as the board of election Commissioners for the city.

§ 6.11 INSPECTORS OF ELECTIONS.

The board of election commissioners shall appoint a board of inspectors of elections in accordance with Public Act 116 of 1954, as amended, of the Michigan Compiled Laws, the members of which shall serve at the will of the board of election commissioners.

CHAPTER VII: ORDINANCES

§ 7.1 GENERAL AUTHORITY.

The city may adopt ordinances and resolutions to provide for the public peace, health, welfare and safety of persons and property in the city.

§ 7.2 CONSIDERATION AND ADOPTION.

Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Commission shall be “The City of East Grand Rapids ordains:”. No ordinance shall be finally passed by the Commission at the same meeting at which it is introduced except an emergency ordinance. An emergency ordinance shall contain a declaration that a public emergency exists affecting life, health, property or the public peace, and describe the emergency in clear and specific terms. The effective date of an ordinance shall be stated in the text of the ordinance and shall be not less than ten days from the date of its passage, except an emergency ordinance, which may be given immediate effect

§ 7.3 ADOPTION BY REFERENCE.

The Commission may adopt any law, code, rule or regulation, with any amendments that the Commission desires, by reference in an adopting ordinance where adoption by reference is permitted by law. The law, code, rule or regulation which is adopted by reference need not be published, but the adopting ordinance shall be published in accordance with section 13 and shall clearly identify the law, code, rule or regulation and its purpose. Copies of the law, code, rule or regulation shall be available for inspection by and distribution to the public at the Clerk’s office, which shall be stated in the adopting ordinance.

§ 7.4 AMENDMENT AND REPEAL.

Ordinances may be amended or repealed in the same manner as provided for the original adoption of ordinances. When any part of an ordinance is amended, the whole section as amended shall be re-enacted. An ordinance may be repealed by reference to its number and title only.

§ 7.5 PUBLICATION.

Each ordinance shall be published in a newspaper of general circulation in the city within ten (10) days after its passage by publishing the full text of the ordinance, except where an ordinance is over five hundred (500) words in length in which case a digest, summary or statement of the purposes of the ordinance, which has been approved by the Commission, may be published. Any summarized version shall include notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the Clerk.

§ 7.6 RECORD.

The Clerk shall record all ordinances, when passed by the Commission, in an ordinance book, and the Mayor and Clerk shall authenticate the record by signing each ordinance.

§ 7.7 PENALTIES.

The Commission shall provide for punishment of violations of ordinances. No punishment shall exceed the maximum fine or imprisonment, or both, provided by state law.

§ 7.8 PRIOR LEGISLATION.

All ordinances and resolutions of the city which are in force at the time of the adoption of this Charter shall continue in full force and effect as the ordinances and resolutions of the city until duly repealed or amended by action of the Commission.

CHAPTER VIII: INITIATIVE, REFERENDUM AND RECALL

§ 8.1 GENERAL POWERS.

The power of initiative and right of referendum are reserved to the electors of the city as provided by state law.

§ 8.2 INITIATIVE.

An ordinance may be initiated by petition at any time by filing with the Clerk a petition for initiative prepared in accordance with section 8.4. Within ten (10) days of filing the petition, the Clerk shall determine the sufficiency of the petition and shall notify the person who filed the petition of the adequacy or inadequacy of the petition. Any signatures obtained more than ninety (90) days before the filing of the petition with the Clerk shall not be counted. If the petition is found to contain an insufficient number of valid signatures or to otherwise fail to comply with this chapter, then the person filing the petition shall be allowed ten (10) days from notification of the non-compliance to file supplemental petition papers to correct the defects in the petition. This additional ten (10) day period shall not disqualify valid signatures obtained within ninety (90) days of filing the original petition with the Clerk. Only one (1) supplemental filing shall be allowed. When a petition meets all applicable requirements, the Clerk shall present it to the Commission at its next regular meeting.

§ 8.3 REFERENDUM.

An ordinance passed by the Commission may be subject to referendum only in accordance with the following procedures.

- (a) Notice petition. Within ten (10) days of the passage of an ordinance, a petition shall be filed with the Clerk which has been signed by at least one hundred (100) electors of the city and notifies the city of the intention to circulate a petition to submit the ordinance to a referendum. Filing this petition shall automatically suspend the effective date of the ordinance in question until thirty (30) days after its final passage. Failure to file a petition in accordance with this section shall preclude the right to seek a referendum and the ordinance shall become effective in accordance with Chapter VII.
- (b) Referendum petition. A petition for referendum prepared in accordance with section 8.4 must be filed with the Clerk subsequent to filing a notice petition but prior to the end of the thirty (30) day period described in section 8.3(a). Within ten (10) days of filing the petition for referendum, the Clerk shall determine the sufficiency of the petition and notify the person who filed the petition of the adequacy or inadequacy thereof. The effective date of the ordinance shall continue to be suspended during this time period. If the Clerk does not approve the petition for referendum, the ordinance subject to the petition shall become immediately effective and the right of referendum with respect to the ordinance shall cease. If the Clerk approves the petition for referendum, the Clerk shall submit the petition to the Commission at its next regular meeting and the effective date of the ordinance subject to the petition shall continue to be suspended pending either repeal by the Commission or final determination by the electors in accordance with section 8.5.

§ 8.4 REQUIREMENTS FOR INITIATIVE AND REFERENDUM PETITIONS.

A petition for initiative or referendum shall be signed by registered qualified electors of the city in a number equal to the greater of (1) fifteen percent (15%) of the electors who voted at the last preceding general election, or (2) three hundred (300). Before the petition is circulated for signatures, the Clerk shall approve the form of the petition in accordance with Public Act 116 of 1954, as amended, of the Michigan Compiled Laws (Michigan Election Law). Each elector who signs a petition shall date his or her signature and include his or her residential address on the petition. The circulator of a petition shall attach to each petition a certificate stating (1) the number of signatures on the petition; (2) that each signature is that of the person whose name it purports to be; and (3) that each signature was made in the presence of the circulator.

§ 8.5 COMMISSION PROCEDURE.

Within thirty (30) days of receiving a petition for initiative or referendum from the Clerk, the Commission shall:

- (a) In the case of a petition for initiative, adopt the ordinance as submitted in the petition, submit the proposal to the electors of the city, or reject the petition on the basis that the proposal is not legally appropriate for the initiative process;
- (b) In the case of a petition for referendum, repeal the ordinance to which the petition refers, submit the proposal to the electors of the city, or reject the petition on the basis that the proposal is not legally appropriate for the referendum process.

§ 8.6 SUBMISSION TO THE ELECTORS.

If the Commission decides to submit a proposal to the electors pursuant to section 8.5, then the proposal shall be submitted within one hundred eighty (180) days after reaching that decision, either at the next election held in the city for any other purpose, or, in the discretion of the Commission, at a special election. The Commission shall publish the proposal in full in a newspaper of general circulation in the city at least ten (10) days prior to the election date. The result of the election shall be determined by a majority vote of the electors voting thereon, unless otherwise required by law.

§ 8.7 ORDINANCE ADOPTED BY INITIATIVE.

An ordinance adopted by the electorate by initiative may not be amended or repealed by the Commission for a period of two (2) years after the date of the election at which it was adopted and then only by the affirmative vote of not less than five (5) members of the Commission. If two (2) or more ordinances adopted at the same election have provisions that conflict, the provisions contained in the ordinance receiving the highest vote shall prevail.

§ 8.8 RECALL.

Any elected official in the city may be recalled from office by the electors of the city in accordance with Public Act 116 of 1954, as amended, of the Michigan Compiled Laws.

CHAPTER IX: GENERAL FINANCE

§ 9.1 FISCAL YEAR.

The fiscal year of the city shall commence July 1 of each year.

§ 9.2 SUBMISSION OF BUDGET.

Not later than May 15 of each year, the City Manager shall submit to the Commission a proposed budget for the next fiscal year.

§ 9.3 BUDGET DOCUMENT.

The proposed budget shall provide a complete financial plan for the next fiscal year and include all information required by law, specifically including the following:

- (a) Detailed estimates of all proposed expenditures for each department and office of the city, showing the expenditures for the current and last preceding fiscal years, with reasons for any recommended increases or decreases;
- (b) Statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) Detailed estimates of (i) all anticipated income of the city from sources other than taxes and borrowing, showing the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years and (ii) the monies to be raised from current and delinquent taxes and bond issues which, together with item (i), will be necessary to meet proposed expenditures;
- (d) An estimate of the balance for the end of the current fiscal year; and
- (e) Any other information that the Commission requests.

§ 9.4 PUBLIC BUDGET HEARING.

The Commission shall hold a public hearing on the proposed budget for the next fiscal year prior to the last day of the current fiscal year. At least six (6) days before the hearing date, notice of the hearing shall be published in a newspaper of general circulation in the city and the Manager's proposed budget shall be on file with the Clerk and available for public inspection.

§ 9.5 ADOPTION OF BUDGET.

The Commission shall hold a special meeting prior to the last day of the current fiscal year, but subsequent to the public hearing on the budget, for the sole purpose of final consideration and adoption of the budget and to authorize a tax levy necessary to meet the budget. The amount that the Commission may raise annually by a general tax upon the taxable real and personal property in the city for municipal purposes

shall not exceed two percent (2%) of the assessed value (20 mills) of all real and personal property in the city, unless otherwise provided by state law.

§ 9.6 BUDGET CONTROL.

- (a) Financial reports. The Manager shall submit to the Commission a minimum of four (4) quarterly financial reports during the fiscal year showing the relation between estimated and actual income and expenses to date. If income is less than or expenses exceed the amounts estimated, the Commission shall reduce appropriations as necessary to keep expenditures within income, and if income exceeds or expenses are less than the amounts estimated, the Commission may make supplemental appropriations.
- (b) Appropriations. Unless otherwise authorized by the Commission, no money shall be drawn from the city treasury nor shall any obligations be incurred except pursuant to the budget appropriation, as the same may be amended by the Commission. The balance of any appropriation at the close of the fiscal year shall revert to fund equity and be available for reappropriation.

§ 9.7 DEPOSITORY.

The Commission shall designate depositories for city funds and provide for the regular deposit of all city monies.

§ 9.8 INDEPENDENT AUDIT.

A certified public accountant shall make an independent audit of all city accounts at least annually and more frequently if deemed necessary by the Commission. The accountant shall prepare the audit in written form and file a copy with the Clerk, which shall be available for public inspection.

CHAPTER X: BORROWING AUTHORITY

§ 10.1 GENERAL AUTHORITY TO BORROW.

Subject to state law and this Charter, the Commission may, by ordinance or resolution, authorize the city to borrow money and issue bonds or other evidence of indebtedness for any purpose within the powers vested in the city.

§ 10.2 LIMITS OF BORROWING AUTHORITY.

- (a) Bonded indebtedness. The net bonded indebtedness incurred for all public purposes shall not exceed the maximum amount permitted by state law and shall be calculated in accordance with state law.
- (b) Calamity borrowing. In the event of fire, flood or other calamity, the city may increase borrowing in accordance with state law.

§ 10.3 BOND ISSUANCE AND RECORDS.

Each bond or other evidence of indebtedness issued by the city shall contain on its face a statement specifying the purpose for which it is issued. The use of the proceeds for any other purpose shall be unlawful. All bonds or other evidences of indebtedness shall be signed by the Mayor and countersigned by the Clerk under the seal of the city. Interest coupons may be executed with the facsimile signature of the Mayor and the Clerk. The Clerk shall keep a complete and detailed record of all bonds and other evidences of indebtedness issued by the city. Upon payment, the respective bond or other evidence of indebtedness shall be canceled.

§ 10.4 DEFERRED PAYMENT CONTRACTS.

The city may enter into installment contracts for the purchase of property or capital equipment in accordance with state law. Deferred payments on installment contracts shall be included in the budget for the year in which the installments are payable.

CHAPTER XI: TAXATION

§ 11.1 AUTHORITY TO TAX.

The city shall have the authority to assess and collect taxes for any purpose permitted under state law.

§ 11.2 REAL AND PERSONAL PROPERTY SUBJECT TO TAXATION.

The property subject to municipal taxation shall be the same as provided under state law for state, county, and school taxes.

§ 11.3 TAXATION PROCEDURE.

Except as otherwise provided under this Charter, municipal taxes shall be levied, collected and distributed as provided under state law.

§ 11.4 ASSESSMENT ROLL.

The Assessor shall prepare and certify an assessment roll in accordance with state law identifying all persons and real property in the city subject to taxation.

§ 11.5 BOARD OF REVIEW.

- (a) General powers. A Board of Review (“Board”) shall be formed to examine the assessment roll and to make any necessary corrections and amendments. The Board shall have the same powers and duties as conferred by state law, unless provided otherwise in this Charter.
- (b) Composition and term. The Board shall be composed of six (6) members, none of whom are officers or employees of the city and all of whom are electors in the city. Each year in July the Mayor, subject to the consent of the Commission, shall appoint three (3) of the six (6) members for a term of two (2) years each so that one-half (1/2) of the Board is appointed each year. A majority of Board members shall constitute a quorum for the transaction of business of the Board. At its first meeting, the Board shall select a chairman and establish rules of procedure for the ensuing year.
- (c) Committees. The Board may be divided into two (2) committees, each consisting of three (3) members, for the purpose of hearing and deciding assessment appeals and related matters. Two (2) members of a committee shall constitute a quorum for the transaction of business of that committee.
- (d) Assessor. The Assessor shall serve as the Clerk of the Board, shall attend all Board meetings, shall keep a record of all Board proceedings, and may participate in Board discussions but shall not be entitled to vote.
- (e) Committee Clerks. A Clerk, who shall be either the Assessor or Assessor’s designee, shall serve on each committee and shall attend all committee

meetings, keep a record of committee proceedings, and may participate in committee discussions but shall not be entitled to vote.

- (f) Compensation. The Commission shall fix the annual compensation of the Board members prior to the Board's first meeting for that year.

§ 11.6 BOARD OF REVIEW MEETINGS.

The Board shall meet as provided under state law to examine, correct and amend the assessment roll and shall remain in session for at least two (2) days for the purpose of giving taxpayers a reasonable opportunity to be heard.

§ 11.7 NOTICE OF MEETINGS.

Notice of the date, time and place of Board meetings shall be published in a newspaper of general circulation in the city in accordance with state law.

§ 11.8 ENDORSEMENT OF ASSESSMENT ROLL.

After reviewing the assessment roll, the Board shall approve and endorse it as the official assessment roll of the city for all tax purposes in accordance with state law.

§ 11.9 TAX LEVY AND ASSESSMENT.

Within three (3) days after the Commission has adopted the budget for the next fiscal year as provided in Chapter IX of this Charter, the Clerk shall certify to the Assessor the amount of the tax levy fixed by the Commission. The Assessor shall then assess the persons and real property listed on the assessment roll accordingly, together with any special assessments and other amounts that the Commission may require.

§ 11.10 TAX ROLL CERTIFIED FOR COLLECTION.

After assessing taxes as set forth in this Chapter, the Assessor shall certify the assessment roll and attach to it the Assessor's warrant directing the Treasurer to collect the respective amounts as a tax or assessment. For the purpose of collecting the taxes, assessments and any other charges on the roll, the Treasurer shall have the statutory powers and immunities granted to township Treasurers or as otherwise provided under state law for the collection of taxes.

§ 11.11 TAX LIENS.

On July 1, the annual taxes assessed on real property shall become a lien on the real property for the amount assessed plus any late charges. On December 31 (prior to the July 1 due date), the annual taxes assessed against persons shall become a lien on the personal property for the amount assessed plus any late charges. These liens shall have priority over all other claims, encumbrances and liens to the extent provided by state law and shall continue until the taxes and late charges, if any, are paid in full.

§ 11.12 NOTICE OF TAXES DUE AND TAX BILLS.

Municipal taxes shall be due and payable on July 1 of each year. Notice of the due date and late charges for late payment of taxes shall be published by the Treasurer in a newspaper of general circulation in the city as provided under state law. The Treasurer shall mail a tax bill to the last known property owner of record. Where more than one person owns the subject property, only one bill shall be mailed. The Treasurer shall not be required to make personal demand upon persons named in the tax roll for payment of taxes. Failure on the part of the Treasurer to publish notice or mail tax bills as described above shall not invalidate the taxes on the tax roll or release the real property or persons from the taxes and late charges.

§ 11.13 JEOPARDY ASSESSMENTS.

Notwithstanding sections 11.11 and 11.12, the city may accelerate the due date for and collect annual taxes assessed against persons as provided under state law.

§ 11.14 LATE PAYMENT OF TAXES.

No late charges shall accrue for taxes due and payable on July 1 if received by the municipality on or before the close of business on August 14 immediately following. In the event that August 14 is a non-business day, then no late charges shall accrue if the taxes are received before the close of business on the next business day. The Commission shall provide a tax payment schedule by ordinance for municipal taxes paid after August 14, or the following business day, as the case may be, including the late charges to be added in amounts permitted by state law.

§ 11.15 COLLECTION OF DELINQUENT TAXES.

- (a) Real property. The Treasurer shall prepare a delinquent tax roll identifying all taxes and late charges on real property uncollected by March 1 or other date established by state law. This tax roll shall be sent to the County Treasurer in accordance with state law procedures for delinquent township, school and county taxes. The County Treasurer shall collect these delinquent taxes and assessments on real property in accordance with state law. The unpaid taxes shall be and remain a lien upon the real property against which they are assessed until paid.
- (b) Personal property. The Treasurer shall also prepare a delinquent tax roll identifying all taxes and late charges against persons uncollected by March 1 or other date established by state law. The city shall proceed to collect these taxes in accordance with state law.

§ 11.1 STATE, COUNTY AND SCHOOL TAXES.

State, county and school taxes shall be levied, collected and distributed in accordance with state law.

CHAPTER XII: SPECIAL ASSESSMENTS

§ 12.1 SPECIAL ASSESSMENTS.

The Commission shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefitted and shall so declare by resolution. The resolution shall include the estimated cost of the improvement, what proportion of the cost shall be paid by special assessment and what part, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, and the districts of land and premises upon which special assessments shall be levied. The resolution shall provide for a separate hearing on necessity.

§ 12.2 SPECIAL ASSESSMENT PROCEDURE.

The Commission shall prescribe by ordinance the complete special assessment procedure concerning plans and specifications, estimates of cost, notice and hearing, the making of the assessment roll and correction of errors, collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

CHAPTER XIII: PUBLIC IMPROVEMENTS AND CONTRACTS

§ 13.1 PUBLIC IMPROVEMENTS.

The city has the authority to construct or contract for the construction of public improvements, and to operate, control and maintain the improvements.

§ 13.2 PURCHASING AND CONTRACTUAL PROCEDURE.

Before purchasing or contracting to purchase supplies, materials, equipment or services, the city shall permit competitive bidding under the rules and regulations, and exceptions thereto, as prescribed by the Commission by ordinance.

§ 13.3 CONDEMNATION.

Private property may be condemned by the city for public use in accordance with state law.

§ 13.4 STREET VACATION.

The Commission shall have the power to vacate any street or any part thereof, including the power to vacate by resolution, in accordance with state law.

CHAPTER XIV: PUBLIC UTILITIES

§ 14.1 MUNICIPAL OWNERSHIP AND OPERATION OF PUBLIC UTILITIES.

The city shall have the right to purchase, operate and sell the services of public utilities in accordance with state law. A sale of a public utility by the city shall require an affirmative vote of a majority of electors voting thereon at a regular or special election.

§ 14.2 OPERATION UNDER CONSENT AGREEMENTS AND FRANCHISES.

Unless authorized by state law, a public utility shall not operate within the city without first obtaining consent from the Commission as provided in this Chapter. The Commission may enter into consent agreements and franchises for the operation of public utilities and may grant renewals, amendments and extensions thereof in accordance with state law.

§ 14.3 TERM OF OPERATION FOR CONSENT AGREEMENT OR FRANCHISE.

A consent agreement or franchise shall not be granted for a term longer than thirty (30) years. All consent agreements and franchises must provide a completion date for the installation of the public utility.

§ 14.4 IRREVOCABLE AND EXCLUSIVE CONSENT AGREEMENTS AND FRANCHISES.

The Commission shall not grant a consent agreement or franchise which is exclusive or not revocable at the will of the city unless the proposition shall have received the affirmative vote of three-fifths (3/5) of the electors voting thereon at a regular or special election held in accordance with state law. A special election shall not be held unless the expense of the election is paid in advance by the grantee of the consent agreement or franchise to the Treasurer in an amount determined by the Commission. The Commission may approve an exclusive or irrevocable consent agreement or franchise for referral to the electorate only after the grantee has filed with the Clerk an unconditional acceptance of all terms of the consent agreement or franchise and a public hearing has been held. A public hearing shall be held not less than thirty (30) days after the grantee has filed the acceptance with the Clerk.

§ 14.5 TRANSFER OF CONSENT AGREEMENT OR FRANCHISE.

A grantee shall not be entitled to transfer a consent agreement or franchise for a public utility, either directly or indirectly, without the written consent of the Commission.

§ 14.6 REGULATION OF CONSENT AGREEMENTS AND FRANCHISES.

- (a) Right to regulate. All consent agreements and franchises shall be subject to the right of the city to make all regulations necessary and conducive to the safety, welfare and accommodation of the public, and to protect the public from danger or inconvenience in the operation of the public utility. The city shall at all times have the right to the reasonable control of its streets and other public places, despite the presence of the public utilities.
- (b) Violations. The city may prosecute public utilities operating under a consent agreement or franchise granted by the city for violation of the law, and may revoke, cancel, or annul any consent agreement or franchise for violation of the law.

§ 14.7 RATES OF FRANCHISED UTILITIES.

After a public hearing, the Commission shall fix reasonable rates for public utilities operating under a consent agreement or franchise to the extent not preempted by state or federal law.

CHAPTER XV: MISCELLANEOUS

§ 15.1 DEFINITIONS.

Except as otherwise provided in this Charter:

- (a) The word “Assessor” shall mean the East Grand Rapids City Assessor;
- (b) The word “city” shall mean the City of East Grand Rapids;
- (c) The word “City Attorney” shall mean the East Grand Rapids City Attorney;
- (d) The word “Clerk” shall mean the East Grand Rapids City Clerk;
- (e) The word “Commission” shall mean the East Grand Rapids City Commission;
- (f) The word “Manager” shall mean the East Grand Rapids City Manager;
- (g) The word “Mayor” shall mean the Mayor of East Grand Rapids;
- (h) The word “person” may include a corporation, partnership, firm or other entity, as well as an individual;
- (i) The word “state” shall mean the State of Michigan;
- (j) The word “street” shall include an alley, road, highway or right-of-way, or any part thereof;

- (k) The word “Treasurer” shall mean the East Grand Rapids City Treasurer;
- (l) Except with reference to signatures, the words “written” and “in writing” shall include tangible print produced by manual, mechanical, electronic, telegraphic or computerized means;
- (m) The singular number shall include the plural and the plural shall include the singular.

§ 15.2 AMENDMENTS.

This Charter may be amended as provided by state law. If two (2) or more amendments are adopted at the same election and contain conflicting provisions, the amendment receiving the highest vote shall prevail as to the conflicting provisions.

§ 15.3 AVAILABILITY OF PUBLIC RECORDS.

Public records of the city shall be available in accordance with Public Act 442 of 1976, as amended, of the Michigan Compiled Laws (Freedom of Information Act).

§ 15.4 NOTICE OF INJURY.

As a condition to recovery against the city for injuries sustained by reason of any defective condition on property owned by the city, the injured person or that person’s agent shall serve written notice on the city within one hundred twenty (120) days after the occurrence of the event causing the injury. The notice shall specify the exact location and nature of the defective condition, the injury sustained, how the injury occurred and the names of witnesses, if any, to the event causing the injury.

§ 15.5 CONFLICTS OF INTEREST.

No officer, employee or agent of the city shall engage in a conflict of interest or use his or her position with the city for private gain. For example, no officer, employee or agent shall (1) have a personal interest in any contract with or for the city, except as allowed by state law; (2) act in an official capacity on matters in which that person has a private interest distinct from that of the public; or (3) disseminate or use confidential information regarding city matters.

§ 15.6 SATURDAYS, SUNDAYS AND HOLIDAYS.

Whenever the date fixed by this Charter for the performance or completion of an act falls on a Saturday, Sunday or legal holiday, that act may be performed or completed on the next succeeding business day.

§ 15.7 HEADINGS.

The chapter and section headings in this Charter are for convenience only and shall not be deemed a part of this Charter.

§ 15.8 SEVERABILITY.

If any chapter, section, paragraph or provision of this Charter shall be rendered unenforceable and invalid by a court of competent jurisdiction or a conflicting provision of law, that holding or provision shall not affect the validity of this Charter as a whole, or any other chapter, section, paragraph or provision of this Charter.

§ 15.9 EFFECTIVE DATE.

This Charter shall become effective on January 1, 1991.