

**BARTON HILLS VILLAGE
WASHTENAW COUNTY
MICHIGAN**

CHARTER

By Vote of the Electors of Barton Hills

Charter Adopted December 11, 1973

Amended May 10, 2004

Amended September 15, 2009

Amended November 4, 2014

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CHARTER FOR BARTON HILLS VILLAGE, MICHIGAN

PREAMBLE

We the residents of Barton Hills Village in order to enjoy to the fullest extent the advantages and benefits of local self-government as authorized by the Constitution and laws of the State of Michigan, do hereby ordain and establish this Barton Hills Village Charter.

CHAPTER 1 - BOUNDARIES AND NAME

Section 1.1. Boundaries. The Village shall consist of the territory of Barton Hills Village on the effective date of this Charter, together with such annexations thereto and less any detachments therefrom that may be made from time to time. Upon annexation or detachment of territory, the boundaries shall be deemed to be changed without amendment of this section. The Clerk shall maintain and keep available in the Clerk's Office for public inspection an official description of the current boundaries of the Village.

Section 1.2. Name. The name of this Village shall be Barton Hills Village.

CHAPTER 2 – POWERS

Section 2.1 General Powers. Barton Hills Village is hereby vested with and may exercise any and all powers authorized or permitted to villages to exercise or to provide for in their charters by the so-called Village Home Rule Act, being Act No. 278 of the Public Acts of 1909, State of Michigan, as amended, and any other statute of the State of Michigan as fully and completely as though said powers were specifically enumerated herein, except for such limitations and restrictions as are provided in this Charter, and no enumeration of particular powers in this Charter shall be held to be exclusive or in derogation of the general powers herein

expressed. The Village shall have the power to exercise all municipal powers in the management and control of Village property and in the administration of the Village government, whether such powers be herein expressly enumerated or not; to exercise police powers as delegated by the State to villages; to do any act to advance the interest of the Village, the good government and prosperity of the Village and its inhabitants; to make all laws which shall be necessary and proper for the execution of its powers, and all other powers vested by the Constitution and law in villages, except where forbidden or where the subject is covered exclusively by a general law.

Section 2.2. Enumerated Powers. In addition to the foregoing general powers and other powers enumerated in this Charter and by law, the Village shall have the power to exercise the powers enumerated in this section.

- (a) To regulate the carrying on of trades and occupations within the Village.
- (b) To regulate the use and enjoyment of the surface of its thoroughfares and of the space above and beneath them and for the use and enjoyment of private roads and places leased to the Village for the use of its inhabitants.
- (c) To control the use of and regulate streams and waterways within the boundaries.
- (d) To enforce all police, traffic, sanitary and other regulations not in conflict with the general law.
- (e) To prohibit hunting within the Village limits.
- (f) To contract with Ann Arbor Township or with any other township or other municipal corporation for the furnishing of municipal type services to the Village including police or fire protection or both. In addition the Village shall have the general power to join with any other municipal corporation or with any number or combination thereof by contract, or otherwise as may be permitted by law, for the ownership, operation or performance, jointly or by any one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.
- (g) To contract for the maintenance or improvement of any private roads within the Village by the creation of a special assessment district. Fifty-one percent of the property owners owning the frontage along a private road shall be required to

request the improvement or maintenance by petition to the Village Board of Trustees.

Section 2.3. Status of Private Roads. The private roads, as shown on the Supervisor's Plat of Barton Hills, a subdivision of parts of Sections 7, 8 and 17, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, as recorded June 26, 1940 in Liber 9 of Plats, pages 58, 59 and 60, Washtenaw County Records, and as described in conveyances to Barton Hills Maintenance Corporation, and all other private roads within the Village limits, are recognized as private property. Since such private ways constitute the sole means of travel through Barton Hills Village, it is declared necessary that the Village cooperate with the title holders of such roads in the care and maintenance thereof and in the policing thereof. To that end the Village shall have the power to contract with the owners of such private ways for the use thereof by public vehicles and by residents of the Village who may not otherwise have rights by contract or covenant to use such ways. The Village shall also have the power to regulate traffic on such ways in the same manner and to the same extent as if they were public streets and highways and to pass traffic ordinances and enforce them with the police power of the Village.

CHAPTER 3 - BOARD OF TRUSTEES

Section 3.1. Board of Trustees. All powers of Barton Hills Village, except as otherwise provided by law or this Charter, shall be vested in the Village Board of Trustees which shall consist of nine Trustees to be elected at large as hereinafter provided, one of whom shall be elected as President of the Village as herein provided. The Board of Trustees shall be the legislative body of the Village. In all cases where the words "Board of Trustees" are used in this Charter, the name shall be taken to mean and be synonymous with the terms "commission", "council", "common council", "board of aldermen", "governing body" or "legislative body" whenever such terms shall be used in any state or federal law in referring to legislative or governing bodies of villages.

Section 3.2. Election and Terms. The Village election shall be held on the first Tuesday after the first Monday in November in each even numbered year, or on such date as the State shall declare by its laws to apply to villages, at which election there shall be elected four or five Trustees depending upon the number of terms expiring at that election, each for a term of four (4) years. The Trustees shall serve without compensation.

Section 3.3. Vacancies. A vacancy occurring in the Village Board of Trustees shall be filled within thirty days by a majority vote of the remaining Trustees for the balance of the unexpired term. A vacancy shall be deemed to occur upon death and/or resignation, recall, conviction for a felony, upon a finding of mental incompetence by a court having jurisdiction thereof, or failure to qualify within seven days after notice of election has been either handed to the Trustee or sent to the Trustee by registered or certified mail.

Section 3.4. Organization and Procedure. The Village Board of Trustees shall meet on the Monday following the Village election, or on the next date on which a suitable place for such meeting is available as determined by the Board, at which time the newly elected Trustees shall take the oath of office and be seated as Trustees. The Board shall make such determination as soon as practicable each year, and shall publish a notice of said date at least ten (10) days prior to said meeting date. This meeting shall be the annual organization meeting and the Board shall elect from its members a President and a President pro-tem who shall serve without compensation and whose terms shall expire at the next annual organization meeting of the Board of Trustees which in non-election years shall be held at the regular November meeting. The President shall preside at meetings of the Board and shall be recognized as executive head of the Village government. The President shall be a member of the Board of Trustees for all purposes and shall have a voice and vote thereon. The President pro-tem shall act in the absence or disability of the President.

Section 3.5. Meetings. The Board of Trustees shall provide by its rules for the time and place of its regular meetings and shall hold at least one regular meeting each month. Special meetings shall be called by the President or by any four (4) Trustees on at least eight (8) hours written notice to each Trustee, served personally or left at each Trustee's residence, but notice

shall not be required if all members of the Board of Trustees are present or have waived notice in writing. No business shall be transacted at any special meeting unless the nature of the same has been stated in the notice of such meeting. All regular and special meetings of the Board of Trustees shall be open to the public in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275 and members of the public shall have an opportunity to be heard under such rules as the Board of Trustees may prescribe. No members of the public shall be denied this opportunity to be heard.

Section 3.6. Quorum: Votes Required. Five (5) Trustees shall constitute a quorum. No ordinance shall be adopted, appropriation made or obligation incurred except by the vote of at least five (5) Trustees. On the request of any three (3) Trustees for a public hearing, no ordinance shall be adopted until a public hearing, after ten (10) days notice thereof given in such manner as the Board of Trustees shall direct, shall have been held before the Board of Trustees. The Board of Trustees may call for an advisory referendum vote of the Village electors, either unofficially by mail, or at a special election by ballot, on any matter or issue, as the Board shall deem appropriate.

Section 3.7. Village Clerk. At each annual organization meeting the Board of Trustees shall elect a Village Clerk who shall be a resident of the Village and who shall serve for a term of one (1) year and until a successor is elected and qualified. The Clerk shall take the oath of office and shall serve without compensation except for necessary expenses incurred on behalf of the Village and approved by the Board of Trustees.

Section 3.8. Appointive Officers. A Village Treasurer, and an Attorney, shall be appointed by the President of the Village, subject to approval by the Board of Trustees. The Treasurer shall be a resident of the Village, and shall serve without compensation, but residency shall not be required for other appointive officers and employees. The President shall also employ such employees as the Board shall deem advisable to employ, subject to the approval of the Board of Trustees. The Board of Trustees shall establish the compensation to be paid the Attorney and other appointive officers and employees of the Village. Except as otherwise

provided by this Charter or by ordinance, the terms of appointive officers shall be at the pleasure of the Village Board of Trustees.

Section 3.9. Recall. All elected officers of the Village shall be subject to recall in the manner provided by law.

CHAPTER 4 – ELECTIONS

Section 4.1. Eligibility. No person shall be eligible for the office of Village Trustee unless the person is a registered elector of the Village.

Section 4.2. Wards and Precincts. Barton Hills Village shall constitute one (1) ward. The Board of Trustees may establish convenient election precincts as required.

Section 4.3. Elections. A nonpartisan Village election shall be held on the first Tuesday after the first Monday in November in each even numbered year, or on such date as the State shall declare by its laws to apply to villages, at which only registered Village electors shall be eligible to vote. Special elections may be held when called by resolution of the Board of Trustees at least fifty (50) days in advance of such election or when required by this Charter or by general law. Any such resolution shall set forth the purpose of the election.

Section 4.4. Nomination of Trustees. Candidates for the Village Board of Trustees shall be nominated by petitions signed by not less than twenty (20) nor more than thirty (30) registered electors of the Village and filed in accordance with general election law.

Section 4.5. Election Procedure. The general election laws of the State shall apply to and control, all procedure relating to elections.

CHAPTER 5 - ADMINISTRATIVE SERVICE

Section 5.1. Village Clerk. 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 Village ordinance entrusted to some other officer. The Clerk shall be Clerk of the Board of Trustees, and shall attend its meetings. The Clerk may appoint a Deputy Clerk as an employee of the Village, who may carry out the Clerk's duties as permitted by law and who shall serve at the pleasure of the Village Clerk. In case of the absence of both the Clerk and the Deputy Clerk, or if from any cause the Clerk shall be unable to discharge, or be disqualified from performing the Clerk's duties, then the Board of Trustees may appoint 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 Board, and shall record, or cause to be recorded, all the ordinances of the Village. The Clerk shall countersign and register all licenses granted; the Clerk shall, when required, make and certify, under the seal of the Village, copies of the papers and records filed and kept in the Clerk's office, and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. The Clerk shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the Village, and shall have authority to administer oaths and affirmations.

Section 5.2. Village Treasurer. The Village Treasurer shall have the custody of all moneys, bonds (other than official bonds in the custody of the Clerk), notes, leases, deeds and similar papers of value belonging to the Village; shall receive all moneys belonging to and receivable by the Village and keep a system of accounts that conforms to a uniform system required by law. The Treasurer shall pay no money out of the treasury, except in pursuance of and by authority of this Charter to pay funds appropriated in the Village budget. The Treasurer shall collect and keep an account of and be responsible for all taxes and moneys appropriated, raised or received for each fund of the Village, and shall keep a separate account of each fund and shall credit thereto all moneys raised, paid in or appropriated therefor. The Treasurer shall be bonded by corporate surety bond for the faithful performance of the Treasurer's duties in such amount as the Board of Trustees shall prescribe. The Board of Trustees may also require a corporate surety bond for like purpose covering individual officers or employees or all officers

and employees of the Village whether elected or appointed. The premium on all bonds of officers and employees shall be paid by Barton Hills Village.

Section 5.3. Employees. The Board of Trustees shall employ such assistants to the Clerk and Treasurer for the performance of their duties as it shall deem necessary or advisable. The Board of Trustees may provide by ordinance for a Superintendent of Public Works, a Chief of Police, and a Fire Chief. The Board of Trustees may combine two or more offices into a single office, or appoint the same individual to more than one office. The Board of Trustees shall have the power to prescribe the duties of all officers and employees of the Village in any manner not inconsistent with the provisions of this Charter or law.

CHAPTER 6 - VILLAGE LEGISLATION

Section 6.1. Exercise of Powers. In the exercise of its legislative and administrative powers, the Village Board of Trustees shall act by ordinance, resolution or motion. When a penalty is prescribed for violation or failure to comply with the terms of the enactment, the action shall be taken by ordinance.

Section 6.2. Enactment. The enacting clause of all ordinances shall read "Barton Hills Village ordains", but such caption may be omitted when ordinances are published in book form, by authority of the Board of Trustees. Each proposed ordinance shall be introduced in written or printed form. The Board of Trustees shall have power by ordinance to amend or repeal any ordinance, in whole or in part. No ordinance shall be amended by reference to its title only, but the section or sections of the ordinance to be amended shall be re-enacted at length. Any ordinance may be repealed by reference only to its number and title.

Section 6.3. Recording. Ordinances shall be set forth at length in the official record of ordinances authenticated by the signatures of the President and Clerk, which record shall be in the custody of the Clerk. Such recording and authentication shall be done promptly after the final

passage of the ordinance but failure to record and authenticate any ordinance shall not invalidate it or suspend its operation.

Section 6.4. Publication. Every ordinance shall become effective upon its publication unless a later effective date is provided in the ordinance. Within ten days after the enactment of an ordinance the same shall be published by one of the following methods:

- (a) Said ordinance shall be printed in full in any newspaper of general circulation in Barton Hills Village, or
- (b) If any ordinance is more than 200 words in length there may be published in a newspaper of general circulation in the Village a notice of the adoption of said ordinance and a brief statement of the purpose or subject matter thereof and where copies may be obtained. In case publication is by the manner provided in this subparagraph (b), copies of such ordinance shall be made available by the Clerk and a reasonable charge may be imposed for such copies.

Whenever an ordinance is adopted the Clerk shall either notify each resident elector in writing of the time and place of newspaper publication prior to the publication of said ordinance, if published therein in full, or of the purpose or subject matter and where copies can be obtained if published under (b) hereof.

Section 6.5. Codification. The Board of Trustees may adopt a codification of the Village ordinances. Each such codification or recodification may omit such ordinance material as is out of date and no longer needed, may eliminate inconsistencies between existing ordinance provisions, and may substitute comparable ordinance provisions for existing provisions and adopt new ordinance material without the necessity of formal repeal, amendment or original enactment. The adoption of the codification by the Board of Trustees shall be deemed the same as the adoption of an ordinance and the codification ordinance shall be published in the manner prescribed in section 6.4. (b) of this Charter, except that the making available of at least fifty (50) copies of such ordinance code for sale to Village residents at a reasonable charge shall be deemed to satisfy the requirement for making copies available to the public. The Village Clerk shall also keep at least one copy of any such codification available for inspection by the public during regular office hours.

Section 6.6. Penalties. The Board of Trustees may provide in ordinances adopted by it for the punishment of violations thereof. Such punishment may be by a fine of not to exceed \$500 or imprisonment for not more than ninety (90) days (or such longer period permitted by law up to ninety three (93) days), or both, in the discretion of the court having jurisdiction. Imprisonment for violations of ordinances may be in the Washtenaw County jail or such other place as may be provided by State law.

Section 6.7. Time Limit. No prosecution for the violation of an ordinance shall be commenced after the expiration of two years after the commission of the offense.

Section 6.8. Judicial Notice. In all judicial proceedings, it shall be sufficient to plead any ordinance by title and the number of the applicable section or sections, and it shall not be necessary to set forth the entire ordinance or section in any pleadings. Judicial notice shall be taken of the enactment, existence, provisions and continuing force of all ordinances of the Village. Whenever it shall be necessary to prove any ordinance in any judicial proceedings, the same may be proved by a record thereof kept by the Clerk, by a copy thereof duly certified as a true copy by the Clerk, under the seal of the Village, or from any volume purporting to have been published, printed and compiled by authority of the Board of Trustees.

Section 6.9. Initiative and Referendum. An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Board of Trustees may be had, by a petition, as hereinafter provided.

Section 6.10. Petitions. An initiatory or a referendary petition shall be signed by fifty (50) or more registered electors of the Village or by registered Village electors to a number not less than twenty (20%) percent of the registered electors of the Village, whichever number is less. No signature affixed more than three (3) months prior to filing shall be counted as a valid signature. A referendum petition must be filed within thirty (30) days after adoption of the ordinance to be referred in order to be effective. No initiated ordinance shall merely call for the repeal of an existing ordinance. Before being circulated for signatures, all such petitions shall be approved as to form by the Village Clerk. No such petition need be on one paper, but may be the aggregate of

two (2) or more petition papers. Each signer of a petition shall sign that person's name in ink or indelible pencil, and shall place thereon, after the name, the date and the place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature is that of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. If found to contain an insufficient number of signatures of registered electors of the Village, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petition, and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Board of Trustees at its next regular meeting.

Section 6.11. Board Procedure. Upon receiving an initiatory or referendary petition from the Clerk, the Board of Trustees shall, not later than the next regular Board meeting, either adopt the proposed initiated ordinance without any change in substance or repeal the referred ordinance or submit the proposed or referred ordinance to the voters of the Village.

Section 6.12. Submission to Voters. Should the Board of Trustees decide to submit the proposal to the voters, it shall be submitted at the next election held for the Village for any other purpose, or, in the discretion of the Board, at a special election. The result shall be determined by a majority vote of the electors voting thereon.

Section 6.13. Ordinance Suspended. The certification by the Clerk of the sufficiency of a referendary petition shall suspend the operation of the ordinance in question pending repeal by the Board of Trustees or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Board of Trustees for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

CHAPTER 7 - FINANCE, BUDGET AND CONTRACTS

Section 7.1. Fiscal Year. The fiscal and budget year of Barton Hills Village shall begin on April 1 of each year, provided, however, the Board of Trustees may prescribe a different fiscal year if they deem it advisable.

Section 7.2. Budget Procedure. The President of the Village shall prepare a complete program for Village operations and a complete itemized budget proposal for each fiscal year. Such budget shall be submitted to the Village Board of Trustees at its first regular meeting in January of each year. The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

- (a) Detailed estimates of all proposed expenditures for each department and office of the Village showing the expenditures for corresponding items for the current and last preceding fiscal year, including contingent, miscellaneous or other similar fund expenditures, with reasons for increases and decreases recommended, as compared with appropriations for the preceding year.
- (b) Statements of the bonded and other indebtedness of the Village showing the debt redemption and interest requirement, the debt authorized and unissued, and the condition of the sinking funds, if any.
- (c) Detailed estimates of all anticipated income of the Village from sources other than taxes and borrowing, with a comparative statement of the amounts received by the Village from each of the same or similar sources for the last preceding and current fiscal year.
- (d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures and commitments of the Village during the ensuing fiscal year.
- (f) Such other supporting schedules as the Board may deem necessary.

Section 7.3. Budget Hearing and Notice Thereof A public hearing shall be held by the Board of Trustees on the proposed budget prior to the adoption thereof. A copy of the budget proposal shall be on file and available to the public in the office of the Clerk during a period of not less than seven (7) days prior to the public hearing. Notice that the budget proposal is so filed shall be published by the Clerk in a newspaper of general circulation in the Village not less than seven (7) days prior to the public hearing on the budget. Such notice shall include the time and place of such hearing and shall state the place where a copy of such budget is available for public inspection.

Section 7.4. Adoption of Budget. In March of each year, the Board of Trustees shall, by resolution, adopt the budget for the current fiscal year and shall, in such resolution, make an appropriation of the money needed for Village purposes during the current fiscal year and shall provide for a tax levy in the amount necessary to be raised by taxes upon real and personal property in the Village for Village purposes, which levy shall not exceed two (2%) percent of the assessed value of all real and personal property subject to taxation in the Village, which levy the said Board of Trustees is hereby authorized to make in accordance with law. The Board of Trustees shall have the power to revise the proposed budget prior to adoption of the final Village budget before or after the public hearing on the budget, in such manner as it shall deem appropriate. The budget as adopted shall be available for inspection by the public at the Office of the Village Clerk.

Section 7.5. Annual Village Meeting. At the same meeting at which the annual budget hearing is held, there shall be given to the citizens of the Village an opportunity to freely and openly discuss all matters pertaining to the health and welfare of the community.

Section 7.6. Transfer of Appropriations. After the budget has been adopted, no money shall be drawn from the treasury of the Village, nor shall any obligations for the expenditure of money be incurred, except pursuant to the budget appropriations but this restriction shall not apply in the case of a Village emergency declared by majority vote of the Board of Trustees. The Board of Trustees may transfer any unencumbered appropriations balance, or any portions thereof from one department, fund, or agency to another. The balance in any appropriation which

has not been encumbered at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

Section 7.7. Independent Audit. An independent audit shall be made of all accounts of the Village at least bi-annually. Such audit shall be made by public accountants experienced in municipal accounting. The results of the audit shall be filed with the Village Clerk and shall be a public document and shall be made known to the residents of the Village in such manner as the Board of Trustees shall prescribe. In addition, the Village Treasurer shall prepare an asset and equity statement annually and file the same with the Clerk as a public document and it shall be made available to the public as prescribed by the Board of Trustees.

Section 7.8. Contracts. Except as provided in this section, all contracts must be approved by the Board of Trustees and signed by the President and Clerk. The Board of Trustees may, by ordinance, authorize appointive officers to enter contracts of a limited amount for the purchase of supplies and services.

CHAPTER 8 – TAXATION

Section 8.1. Power to Tax. In order to carry out the purposes and powers of the Village established by this Charter, the Village shall have the power and authority to levy and collect general property taxes within the Village. The subjects of taxation for Village purposes shall be the same as for State, County and school purposes under the general law. The Village shall have the power to impose such other taxes as may be authorized by state law.

Section 8.2. Tax Day. Until otherwise provided by state law, the 31st of December in each year shall be the tax day for real and personal property in the Village for tax purposes during the following calendar year.

Section 8.3. Assessment Roll. The provisions of state law for the preparation and review of village assessment rolls in villages organized under the provisions of Public Acts 1895, No. 3,

as amended, by the township in which the village is located, shall apply to Barton Hills Village. In case it should be necessary for this Village to prepare an independent assessment roll, the Board of Trustees shall have the authority to provide for the preparation of such roll by a qualified Assessor and for the establishment of a board of review, and in such case the qualified Assessor and the Village Board of Review shall have the same powers and duties as provided for by state law in connection with the preparation of an assessment roll and review thereof by townships.

Section 8.4. Preparation of Tax Roll. After the Board of Trustees has adopted the budget for the ensuing year, the Treasurer shall proceed forthwith to spread upon the assessment roll the total amount which the Board of Trustees has determined shall be raised by general tax; all amounts of special assessments which the Board of Trustees requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Board of Trustees may determine shall be charged, assessed or reassessed against any person or property. The Treasurer shall spread the amounts of the general Village tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation the Treasurer may add to the amount of the several taxes to be raised not more than the amount authorized by the General Property Tax Law, said excess to belong to the Village.

Section 8.5. Tax Roll Certified for Collection. After extending the taxes aforesaid and not later than the 15th day of June in each year, the Treasurer shall certify said tax roll, and the President shall annex a warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to the Treasurer, for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

Section 8.6. Taxes Lien on Property. The Village taxes thus assessed shall become at once a debt due to the Village from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall

continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

Section 8.7. Taxes Due: Notification. The Treasurer shall not be required to call upon the persons named in the Village tax roll, nor to make personal demand for the payment of taxes, but shall give notice to the tax payers of the Village, by publication in a legal newspaper of general circulation in the Village at least once, which publication of notice shall be made at least ten (10) days prior to the first day of July in each year, of the time when said taxes will be due for collection and shall give such notice of the time when said taxes will be due for collection by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Failure on the part of the Treasurer to give said notices shall not invalidate the taxes on said tax roll nor release the person or property assessed from any penalty or interest provided in this chapter in case of nonpayment of the same.

Section 8.8. Collection of Village Taxes. Village taxes shall be due and payable on the first day of July of each year and may be paid at the Office of the Village Treasurer during regular business hours until and including September 14. To all taxes paid after September 14, there shall be added a four (4%) percent penalty, and to all taxes paid after September 14, there shall also be added interest at the rate of one-half (1/2) of one (1%) percent for each month or fraction of a month intervening between September 14 and the date of payment. The added penalties and interest herein provided shall belong to the Village and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

Section 8.9. Delinquent Tax Roll to County Treasurer. If the Treasurer has been unable to collect any of the Village taxes on said roll on real property by March 1 of each year, it shall be the Treasurer's 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 of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees hereinbefore provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the State and shall be and remain a lien upon the lands against which they are assessed, until paid.

Section 8.10. Protection of Village Lien. The Village shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the State, to acquire by purchase any premises within the Village at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner when such purchase is necessary to protect the lien of the Village for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same solely for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the Village in the protection of its tax lien shall be deemed to be for a public purpose.

CHAPTER 9 - SPECIAL ASSESSMENTS

Section 9.1. Power to Assess. The Village Board of Trustees shall have the power to determine, with or without a petition therefore, that the whole or any part of the expense of any public improvement or repair shall be defrayed by special assessment upon the parcels of property especially benefited and so declare by resolution. The Village Board of Trustees shall also have the power to determine, with a petition therefore as set forth in Section 2.2(g), that the whole or any part of the expense of maintenance or improvement of any private roads within the Village shall be defrayed by special assessment upon the parcels of property especially benefited

and so declare by resolution. Any special assessment resolution shall state the estimated cost of the improvement, what portion of the cost shall be paid by special assessment, what portion, if any, shall be a general obligation of the Village, the number of installments in which assessments may be paid, the interest to be charged on deferred installments, and designate the districts or land and premises upon which special assessments shall be levied.

Section 9.2. Procedure Ordinance. The Board of Trustees shall prescribe by ordinance the complete special assessment procedure to be used, including the preparing of plans and specifications, estimated costs, the hearing on the improvement, if such hearing is to be required, the preparation, hearing on and correction of the special assessment roll, the collection of special assessments, the assessment of single lots or parcels, and any other matters concerning the making of improvements by the special assessment method. Such ordinance may provide for a single hearing on both the necessity for the project and on confirmation of the special assessment roll. Said ordinance shall authorize additional assessments if the prior assessments prove insufficient to pay for the improvement and costs incident thereto or in case of invalidity in whole or in part of the special assessment, and it shall also provide for the refund of excessive assessments provided that if the excess is less than five (5%) percent of the total cost such excess may be placed in the general fund of the Village.

Section 9.3. Lien. From the date of confirmation of any special assessment roll, the special assessment shall constitute a lien upon the respective lots or premises assessed and shall also be a charge against the person to whom assessed until paid and, in case of delinquency, may be enforced by return to the County Treasurer in the same manner provided for collection of delinquent taxes, or by suit against the person or persons assessed.

Section 9.4. Restriction on Levy. No original special assessment roll shall be confirmed except by the affirmative vote of seven (7) members of the Board of Trustees if, prior to such confirmation, written objections to the proposed improvement have been filed by the owners of property which will be required to bear more than fifty (50%) percent of the amount of such special assessment.

CHAPTER 10 - BORROWING POWER

Section 10.1. General Power. As and to the extent authorized by the laws of the State of Michigan as the same are now, or may hereafter be enacted, the Village may borrow money for any purpose within the scope of its powers, and may issue bonds or other evidence of indebtedness therefor. Such bonds or other evidence of indebtedness shall include, but not be limited to:

- (a) General obligation bonds which pledge the full faith and credit of the Village for payment thereof.
- (b) Special assessment bonds which are issued in anticipation of the payment of special assessments for public improvements in a special assessment district or combination thereof, which bonds may be either an obligation solely of the special assessment district or districts, or both an obligation of such district and a general obligation of the Village.
- (c) Revenue bonds as authorized by law.
- (d) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the Village is authorized by law to finance in this manner, or for such other purposes as may be authorized by law.
- (e) Tax anticipation notes as authorized by law.
- (f) Calamity bonds issued in case of fire, flood or other calamity as authorized by law.
- (g) Judgment bonds for payment of judgments against the Village.
- (h) Bonds for the Village's share of the cost of local improvements, which bonds may be issued as a part of, or independently of any issue of special assessment bonds which are issued for the same improvement or improvements.
- (i) Bonds for refunding the indebtedness of the Village.

Section 10.2. Limitation on Borrowing. The net bonded indebtedness of the Village, incurred for all public purposes, shall not at any time exceed the limit provided by law. No bonds shall be sold to obtain funds for any purpose or purposes other than that for which they were specifically authorized.

Section 10.3. Special Assessment Collections. All collections on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be set apart in a separate fund (but not necessarily a separate bank account) and shall be used for the purpose for which levied and for the payment of the principal of and interest on such bonds. If there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, moneys shall be advanced from the general fund of the Village to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefor.

Section 10.4. Bond Interest. No bond or other evidence of indebtedness of the Village shall bear interest at a rate exceeding the maximum rate permitted by law.

Section 10.5. Execution of Bonds. All bonds issued by the Village shall be signed by the President and countersigned by the Village Clerk and shall bear the corporate seal of the Village. Such signatures may be by facsimile if permitted by law. Any attached coupons may be signed with the facsimile signature of the Village Clerk.

Section 10.6. Bond Record. The Village Clerk shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of the same, the Clerk shall mark them "Cancelled," and keep them until five (5) years after the maturity date of the obligation, after which they may be destroyed and a record made thereof.

CHAPTER 11 - UTILITIES AND SERVICES

Section 11.1. General Powers of Village Respecting Utilities. Barton Hills Village shall possess and hereby reserves to itself all the powers granted to villages by law to acquire, construct, own, operate, improve, enlarge, extend, repair, maintain, encumber, convey, dispose of or sell, either within or without its corporate limits, public utilities, including, but not by way of limitation, aeronautical facilities, hospitals and public utilities for treating and supplying water and for supplying light, heat, power, gas, sewage treatment, garbage disposal, public

transportation and facilities for the storage and parking of vehicles or any of them; and also to sell and deliver the products or services thereof, both within and without its corporate limits, subject to the limitations of law. The power to supply said utility services, as herein possessed and reserved, shall include the power to extract, process, manufacture, transport or purchase the same from others.

Section 11.2. Public Utility Franchises. All public utility franchises granted by the Village, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the Village, but this enumeration shall not be exclusive or impair the right of the Board of Trustees to provide in any such franchise any provision within the power of the Village to impose or require:

- (a) To repeal the same for misuse, nonuse, or failure to comply with the provisions thereof.
- (b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency.
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- (e) To impose such other regulations as may be determined by the Board of Trustees to be conducive to the safety, welfare and accommodation of the public.
- (f) To use, control and regulate the use of its streets, alleys, bridges and public places, including private roads and highways, and the space above and beneath them.
- (g) To make independent audit and examination of accounts at any time, and to require reports annually.

The Board of Trustees shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violation of its franchise, the Village Charter or ordinances, and may revoke, cancel or annul all franchises granted by the Village which for any reason have become inoperative, illegal or void.

Section 11.3. Acquisition by Village. The Village shall have the right to acquire by condemnation or otherwise the property of any public utility in accordance with the general laws of the State, provided, that the price to be paid shall in no event include any value predicated upon the franchise, good will or prospective profits.

CHAPTER 12 – MISCELLANEOUS

Section 12.1. Property. The Village shall have power to acquire by purchase, gift, condemnation, lease, legacy, bequest or otherwise any and all kinds of property, both real and personal, absolute or in trust, located within or without the Village, for any public, proprietary, or charitable use or for any purpose within the scope of its powers; to do all things necessary to effectuate such purpose; to hold, manage, maintain, develop or operate the same; to change the use to other public purposes subject to any limitation expressly placed thereon by law or the valid terms of any trust; and to lease, encumber, sell, convey or otherwise dispose of the same.

Section 12.2. Licenses. The Board of Trustees may prescribe the terms and conditions upon which licenses may be granted and revoked, and may regulate trades, occupations and amusements.

Section 12.3. Investigations. The Board of Trustees or any committee authorized by it, shall have power to inquire into the conduct of the affairs of the Village and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall be a misdemeanor.

Section 12.4. Advisory Committees or Boards. The Village Board of Trustees may, from time to time, appoint such committees or boards as it deems appropriate to advise and consult with it and with appropriate officers and employees of the Village regarding any municipal activity. Such committees or boards shall serve temporarily and without compensation unless otherwise provided by the Board of Trustees.

Section 12.5. Estoppel. No estoppel may be created against the Village.

Section 12.6. Charter Amendments. This Charter may be amended by the electors at any time by amendment procedure instituted by resolution of the Board of Trustees or by petition of the electors in the manner provided by law of the State of Michigan. Should two or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

Section 12.7. Violation of Private Covenants. The Board of Trustees shall take no action, by ordinance or otherwise, to impair the lawful obligations contained in private deed restrictions and covenants running with the title to land within the boundaries of Barton Hills Village as herein fixed or as hereafter altered.

Section 12.8. Penalty. All violations of the provisions of this Charter shall be punishable by a fine not exceeding \$500.00 or by imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment, in the discretion of the court.

Section 12.9. Records. All records of the Village shall be available to the public under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.

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