

**CHARTER
OF THE
VILLAGE OF FRANKLIN, MICHIGAN**

EDITOR'S NOTE: The Charter of the Village of Franklin, Michigan, was approved by the voters on June 15, 1954. Dates appearing in parentheses following a section in the text indicate that the section was amended or enacted on the date given.

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CHARTER
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PREAMBLE

We, the residents of Franklin, by virtue of the rights granted us by the Constitution and laws of the State of Michigan, wishing to preserve our rural-like environment and the identity of historic Franklin, do hereby ordain and establish this Village of Franklin Charter.
(Amended 3-13-95)

CHAPTER I**BOUNDARIES AND WARDS**

The Village of Franklin shall include those portions of Sections 5, 6, 7 and 8, Town 1 North, Range 10 East, Southfield Township, Oakland County, Michigan, included within the following described boundaries to-wit:

"Part of Sections 5, 6, 7 and 8, Town 1 North, Range 10 East, Southfield Township, Oakland County, Michigan, described as beginning at the northwest corner of said Section 5, thence easterly along the north line of said Section (150 feet wide as located by the State Highway Department), thence southerly along the westerly line of said Telegraph Road to the east and west 1/4 line of said Section 8, thence westerly along the east and west 1/4 section line of Section 8 and 7 to the westerly line of said Section 7, thence northerly along the westerly line of said Section 7 and the westerly line of Section 6 to the centerline of Fourteen Mile Road, thence easterly and northeasterly along the centerline of said Fourteen Mile Road to its intersection with the north line of said Section 6, thence easterly along the north line of said Section 6 to the point of beginning."

Such territory shall be incorporated as a Village pursuant to the provisions of Act 278 of the Public Acts of 1909, as amended.

CHAPTER II**POWERS IN GENERAL**

Section 1. The Village of Franklin shall have a corporate seal, may sue and be sued, may contract and be contracted with, may acquire and hold real and personal property, and shall have, exercise and enjoy such powers as are conferred by the Constitution and laws of the State of Michigan and by this Charter and also such powers as are necessarily or fairly implied in or incidental to those expressly granted or are essential to the declared objects and purposes of the Village. The enumeration of specific powers in this Charter shall not be construed as a limitation upon the general powers granted by State law and by this Charter.

(Amended 3-13-95)

Section 2. The Village shall have the power:

(1) To acquire by gift without limitation as to value, or to acquire by purchase or lease, personal property of a value not to exceed fifty thousand dollars (\$50,000), for any public use or purpose within the scope of its powers, and to hold, manage, control, sell or otherwise dispose of the same without approval of the electorate;

(Amended 3-11-02)

(2) To acquire by purchase or lease any individual item of personal property valued at more than fifty thousand dollars (\$50,000) for any public use or purpose within the scope of its powers and to hold, manage, control, sell or otherwise dispose of the same provided the acquisition, sale or disposal shall first have been approved by majority vote of the electorate;

(Amended 3-11-02)

(3) To provide by ordinance for Village planning and zoning as provided for by the statutes of the State of Michigan;

(4) To enact a building and housing code; to regulate the erection and repair of buildings and to require building permits therefor; to prevent the erection of unsafe buildings; to provide for the removal of unsafe buildings and to regulate the maintenance and occupancy of buildings insofar as the same affects health and safety;

(5) To establish and maintain definite fire limits and to prohibit within such limits the construction of buildings and other structures of wood and other materials easily inflammable; to enact ordinances in relation to the prevention and suppression of fires; and to provide for the inspection of private property for the purpose of determining whether a fire hazard exists;

(6) To regulate the location, construction, size and height of billboards and the maintenance thereof;

(7) To prohibit hunting within the Village limits;

(8) To regulate and license trades, occupations and public places of amusement, not inconsistent with State and Federal laws, whether the same be specifically mentioned herein or not;

(9) To prescribe the terms and conditions upon which licenses shall be granted and to require the payment of such license fees and the furnishing of such bonds as the Council shall deem reasonable and proper. Licenses shall be subject to revocation by the Council as provided in each particular ordinance.

(10) To regulate the speed of motor vehicles and to prohibit the reckless driving thereof upon the streets, highways and alleys of the Village and also upon any private road dedicated as such upon any recorded plat;

(11) To regulate traffic and parking of automobiles and other vehicles; to prohibit such parking on designated highways, streets and alleys or parts thereof; to provide for the impounding of vehicles parked in violation of such regulations or prohibitions and of vehicles abandoned and left on the streets, highways and alleys of the Village; and to provide for the sale of any impounded vehicle which shall not be claimed and the impounding and other charges paid within sixty (60) days after being impounded. The word "highways," as used in this paragraph, shall include any private road dedicated as such upon any recorded plat.

(12) To prohibit by ordinance the pollution of any stream or watercourse within the Village limits;

(13) To make contracts or arrangements with Franklin Volunteer Fire Department, Inc., and/or any municipality, individual or corporation, for fire protection and for the services of its fire department.

(Amended 3-9-64; 3-12-79; 3-11-85; 3-13-95)

Section 3. The Village shall not have the power to acquire by purchase, or by lease, if the annual rental exceeds ten thousand dollars (\$10,000), any real property unless the same shall have first been approved by a majority of the electors voting thereon at any general or special election.

(Amended 3-12-73; 3-11-02)

CHAPTER III**PLAN OF GOVERNMENT**

Section 1. All powers of the Village of Franklin, except as otherwise provided by statute or this Charter, shall be vested in the Council which shall consist of a President and six (6) Trustees to be elected at large.

Section 2. The Council shall constitute the legislative and governing body of said Village of Franklin, with power and authority to pass such ordinances and adopt such resolutions as it shall deem proper in order to exercise the powers possessed by said Village of Franklin.

Section 3. The President and Trustees shall be elected on a non-partisan ticket from the Village of Franklin at large and shall be subject to recall as hereinafter provided. No person shall be eligible to the office of President or Trustee who shall not be at the time of his or her election or appointment twenty-five (25) years of age and a citizen of the United States; and have been a resident of the territory incorporated as the Village of Franklin at least two (2) years immediately prior to the last day for filing nominating petitions for such office or prior to the time of his or her appointment to fill a vacancy; and an owner of real property in the Village of Franklin; or the lawful wife or husband of such person.

Section 3-A. No person shall be elected to any office unless he or she shall be an elector of the Village of Franklin. And no person shall be elected or appointed to any office in the Village of Franklin who is a defaulter to the Village. All votes for or any appointment of any such defaulter shall be void. All officers of the Village of Franklin, elected or appointed, shall take and subscribe the oath of office prescribed by the Constitution of the State, and file the same with the Village Clerk, and in case of failure to do so, within ten (10) days after receiving notice of their election or appointment, shall be deemed to have declined the office.
(Enacted 3-12-79)

Section 4. At the election at which this Charter shall be submitted there shall be elected a President whose term of office shall begin upon the taking effect of this Charter and who shall serve until 8:00 p.m. on the second Monday following the regular Municipal election in the year 1956. At the regular Municipal election in the year 1956 and every fourth year thereafter there shall be elected a President, whose term of office shall begin at 8:00 p.m. on the second Monday following his or her election and shall expire at 8:00 p.m. on the second Monday following the regular Municipal election in the fourth year thereafter.
(Amended 2-22-05)

Section 5. At the election at which this Charter shall be submitted there shall be elected six (6) Trustees whose terms of office shall begin upon the taking effect of this Charter. The three (3) candidates for Trustee receiving the highest number of votes at said election shall be deemed to be elected and shall serve until 8:00 p.m. on the second Monday following the regular Municipal election in the year 1956, and the three (3) candidates for Trustee receiving the next highest number of votes at said election shall be deemed to be elected and shall serve until 8:00 p.m. on the second Monday following the regular Municipal election in the year 1955. In event that the determination of the term of office of two (2) or more candidates is impossible because of a tie vote, then the same shall be determined by a run-off election. At the regular Municipal election in the year 1955 and every year thereafter there shall be elected three (3) Trustees. The term of office of each Trustee, except those elected at the election at which this Charter is submitted, shall begin at 8:00 p.m. on the second Monday following the regular Municipal election in the fourth year thereafter. The Council shall be the judge of election and qualification of its own members, subject, however, to the provisions of the laws of the State in respect to recounts and to review by the courts in appropriate proceedings. (Amended 3-13-95; 2-22-05)

Section 6. At 8:00 p.m. of the day upon which this Charter shall take effect, and at the same time on the second Monday following each regular Municipal election thereafter, the Council shall meet for the purpose of organization. The first organization meeting shall be held at the Franklin Community Hall or such other place as Council may adjourn to, and thereafter the organization meetings shall be held at the usual place for holding meetings of the Council. Other meetings of the Council shall be held at such times as may be prescribed by ordinance or resolution, provided that it shall meet regularly and not less than once a month. The President or any two (2) Trustees may call special meetings of the Council upon at least twenty-four (24) hours written notice to each member, served personally or left at his or her usual place of residence, provided, however, any special meetings at which all members of the Council are present shall be a legal meeting for all purposes, without such written notice. All meetings of the Council shall be public and any person may have access to the minutes and records thereof at all reasonable times. The Council shall determine its own rules and order of business. It shall keep a journal of the proceedings in English which shall be signed by the President and Clerk.

Section 7. Four (4) members of the Council shall constitute a quorum, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, and all pending business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The Council shall act only by ordinance or resolution. The affirmative vote of a majority of the Trustees, which shall be four (4) votes, shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this Charter or State law. (Amended 3-12-79)

Section 8.

(a) The President shall be the chief executive officer of the Village of Franklin. He or she shall preside at the meetings of the Council. He or she shall be deemed a voting member of the Council. He or she shall from time to time give the Council information concerning the affairs of the corporation and recommend such measures as he or she may deem expedient. It shall be his or her duty to exercise supervision over the affairs of the Village of Franklin and over the public property belonging thereto and to see that the laws relating to the Village of Franklin and the ordinances and regulations of the Council are enforced.

(b) The President shall appoint a Village Marshall, which appointment shall require the ratification of Council, who shall be the Chief of Police of the Village. As police officer, he or she shall be subject to the direction of the President and Council. In case of a vacancy in the office of Chief of Police, the vacancy shall be filled through appointment by the President of the Village Council, subject to ratification by the Council. The Chief of Police shall report directly to the President. It shall be his or her duty to see that all ordinances and regulations of the Council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the Village, are promptly enforced. As peace officer, he or she shall, within said Village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He or she shall have power to serve and execute all process directed or delivered to him or her, in all proceedings for violations of the ordinances of the Village. Such process may be served anywhere within the county in which said Village is located.

(c) The President may remove any officer appointed by him or her at any time when he or she shall deem it for the public interest and may suspend the Village Marshall for neglect of duty. Such removal shall require the ratification of Council. The President shall have authority at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the Village of Franklin.

(d) In the absence or disability of the President, the President Pro Tempore of the Council shall perform the duties of the President.
(Amended 3-12-79; 3-14-88; 3-13-95)

Section 9. The Council shall at its organization meeting following the adoption of this Charter and at each organization meeting following each regular Municipal election, elect by ballot a member of the Council as President Pro-Tem, who, during the absence or disability of the President to perform his or her duties, shall act in his or her stead and shall exercise all the duties and possess all the powers of the President. In the absence or disability of the President Pro-Tem, the Council may temporarily appoint one (1) of its members to preside.

Section 10. The President and Trustees shall receive not less than one dollar (\$1.00) for each meeting, but not more than twenty-five dollars (\$25.00) in any one (1) year. Said officers shall receive no other compensation for services performed for and on behalf of said Village of Franklin during their terms of office. All other officers, except where other provision is made herein or by law regulating fees for services, shall receive such compensation as the Council shall prescribe.

Section 11. Absence from three (3) consecutive regular meetings of the Council shall automatically operate to vacate the seat of a member of the Council, unless the absence is excused by the Council by resolution setting forth such excuse.
(Amended 3-13-95)

Section 12. The Village of Franklin Council shall have authority to appoint advisory committees, and to change the same from time to time. Except as provided in Chapter III, Section 13, one person may be appointed to two or more offices.
(Amended 3-13-95)

Section 13. At the regular 1966 Municipal election, there shall be elected a Village Clerk and a Treasurer whose terms of office shall begin at 8:00 p.m. on the second Monday following the said Municipal election in the year 1966. The offices of Clerk and Treasurer shall not be filled by the same person.
(Amended 3-11-02)

The Village Clerk shall serve until 8:00 p.m. on the second Monday following the Municipal election in March 1967 and at the regular Municipal election in every second year thereafter, there shall be elected a Clerk whose term of office should commence at 8:00 p.m. on the second Monday following the election and shall expire at 8:00 p.m. on the second Monday following the regular Municipal election in every second year thereafter.

The Treasurer shall serve until 8:00 p.m. on the second Monday after the regular Municipal election in 1968. At the regular Municipal election in the year 1968 and every second year thereafter, a Treasurer shall be elected whose term of office shall begin at 8:00 p.m. on the second Monday following his or her election and shall expire at 8:00 p.m. on the second Monday following the regular Municipal election in every second year thereafter.
(Amended 3-14-66; 3-13-95; 3-10-97)

However, commencing upon the expiration of the Treasurer's elected term of office in 2002, the Treasurer shall be appointed by the Village Council and shall hold office at the will of the council and shall be subject to the direction of the Council and such other Village officials as the Council may prescribe by ordinance.
(Enacted 3-11-02)

Section 14. The Village Clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the Village, not by this act or the ordinances of the Village entrusted to some other officer; he or she shall be Clerk of the Council, and shall attend its meetings. In case of the absence of the Clerk, or if from any cause he or she shall be unable to discharge, or be disqualified from performing, the duties required of him or her, then the Council may appoint one (1) of their own number, or some other person, to perform the duties of the Clerk for the time being. The Clerk shall record all the proceedings and resolutions of the Council, and shall record, or cause to be recorded, all the ordinances of the Village. He or she shall countersign and register all licenses granted; he or she shall, when required, make and certify, under the seal of the Village, copies of the papers and records filed and kept in his or her office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He or she shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the Village and which have not been prescribed or delegated by ordinance or council resolution to another officer of the village; and he or she shall have the authority to administer oaths and affirmations.
(Amended 3-11-02)

Section 15. The Council may provide by ordinance for the appointment of additional officers for the Village of Franklin.

Section 16. The Village Treasurer shall have custody of all moneys, bonds other than official, mortgages, notes, leases, and evidences of value belonging to the Village; he or she shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he or she shall pay no money out of the Treasury, except in pursuance of and by authority of law, and upon warrants signed by the Clerk and President, which shall specify the purpose for which the amounts thereof are to be paid; he or she shall collect and keep an account of and be charged with all taxes and money appropriated, raised, or received for each fund of the corporation, and shall keep a separate account for each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued. He or she shall give bond in such amount and with such sureties as is satisfactory to the Council. Premium on all bonds of officials shall be paid by the Village of Franklin.

Section 17. [Reserved]

Section 18. [Reserved]

Section 19. All officers of the Village of Franklin shall perform such duties and possess such powers as are or may be prescribed by this Charter, by the general laws of the State and by the Council.

Section 20. All elective officers, and all officers who are appointed for a definite term or periodically, shall hold office until their successors are duly elected or appointed, and duly qualify.

Section 21. In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this Charter provided, dies, resigns, is removed from office, removes from the Village of Franklin, or is convicted of a felony.

Section 22. No member of the Council or other officer or employee of the Village of Franklin shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm, or corporation operating a public utility within the Village of Franklin or from any person known to him to have or to be endeavoring to secure a contract with the Village of Franklin. No Village of Franklin Councilmember, officer, appointee or employee shall have or be involved in any conflict of interest in the performance of his or her official duties.
(Amended 3-13-95)

Section 23. It shall be the duty of the Village Clerk, within seven (7) days after the meeting and determination of the Council, as provided in this Charter, to notify each person elected, in writing, of his or her election, and he or she shall also, within seven (7) days after the appointment of any person to any office, in like manner notify such person of the appointment.
(Amended 3-13-95)

Section 24. Every officer elected or appointed to any Village office, before entering upon the duties of his or her office, shall take and subscribe to an oath of office, which shall be filed and kept in the office of the Village Clerk, to support the Constitution of the United States of America and the Constitution of the State of Michigan; to endeavor to secure and maintain an honest and efficient administration in the affairs of the Village of Franklin, free from partisan distinction or control; and to perform the duties of his or her office to the best of his or her ability. In case of his or her failure to do so, within ten (10) days after the time fixed for taking office, he or she shall be deemed to have declined his or her office.

Section 25. If for any reason any appointment shall not be made by the Council within the time provided in this Charter, it may be made at any subsequent regular or special meeting.

Section 26. A vacancy in any elective office shall within thirty (30) days after such vacancy occurs be filled by appointment by a majority of the members of the Council, or the remaining members of the Council when the vacancy is in the Council. Such appointee shall hold office until the next regular Municipal election, taking place more than forty (40) days after such vacancy occurs, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs. Provided, however, that the term of no member shall be lengthened by his or her resignation and subsequent appointment. When a vacancy occurs in any office to which a person has been appointed for a definite term, such vacancy shall within thirty (30) days be filled for the unexpired term, by appointment made in the manner provided for full term appointment to such office.

Section 27. When the Council shall deem it necessary, it may establish a Board of Health for the Village of Franklin and appoint officers therefor, make rules for its government and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

Section 28. The Council shall provide for the public peace and health, and for the safety of persons and property.

CHAPTER IV

REGISTRATION, NOMINATION, AND ELECTION

Registration

The Village of Franklin originally shall consist of one (1) ward and one (1) voting precinct. The Council may from time to time establish by ordinance convenient election precincts.

Section 1. The registration and re-registration of electors in the Village of Franklin shall be conducted as provided for in the Constitution and general laws of the State of Michigan.

Nomination

Section 2. Candidates for any elective office, to be voted for at any Municipal election under the provisions of this Charter, shall be nominated by petition in the manner hereinafter prescribed and the names of such candidates for any office and no others shall be printed on the election ballot to be voted for at the next regular Municipal election.

Section 3. Such petition for nomination shall be in substantially the following forms:

We, the undersigned, being duly qualified electors of the Village of Franklin do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for (name of office) at the election to be held in said village on the day of 19 We further state that we know him or her to be a qualified elector of said village and a person of good moral character and qualified in our judgment for the duties of such office.

Names of qualified electors:

-
-
-
-

It shall be unlawful for any person to sign more than one (1) such nominating petition for the same office, except that where two (2) or more candidates are to be elected for the same office, then he or she may sign as many petitions as there are persons to be elected for said office.

Such petition shall be without any mark or designation showing the party affiliation of the person being so nominated. The person circulating a nominating petition shall, before the acceptance of such petition by the Village Clerk, subscribe to the following oath:

State of Michigan, County of Oakland, s.s. being duly sworn deposes and says that he is the circulator of the foregoing petition containing signatures, that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be, and that all of said signers are qualified electors of said village to the best of his knowledge and belief.

Signed

Subscribed and sworn to me before this day of 19....

Notary Public, Oakland County, Michigan

My commission expires

Section 4. All nominating petitions shall be filed with the Village Clerk on or before 4:00 p.m. on the seventh Friday prior to any regular or special election at which any officer or officers of the Village is or are to be elected. No person shall be nominated to any office in the Village unless the petition or petitions filed on his or her behalf for such office have been signed by not less than fifteen (15) qualified electors of the Village. The petition or petitions filed for any candidate shall not contain more than twenty (20) signatures of qualified electors. (Amended 3-14-66; 3-13-95)

Section 5. The Village Clerk shall forthwith examine the petition or petitions filed for each candidate and if satisfied that the petition or petitions is (are) valid and sufficient he or she shall endorse thereon the word "APPROVED" with the date of filing the same; but should the Clerk determine a petition or petitions for any candidate is (are) invalid or insufficient, he or she shall notify the candidate no later than three (3) days after the last day for filing petitions of such fact, by personal messenger if possible. Any candidate whose petition or petitions is (are) invalid or insufficient shall be permitted to correct the invalidity or insufficiency within two (2) calendar days after said notice is served; thereafter no further petitions may be filed. (Amended 3-12-79)

Section 6. When the petitions for nomination of any candidate shall be found to contain the required number of names of electors, the Village Clerk shall forthwith notify the person therein placed in nomination. Any person, desiring to become a candidate for any elective office shall, on or before four p.m. of the twenty-eighth day prior to such election, file with the Clerk an acceptance of such nomination in substantially the following form:

State of Michigan, County of Oakland, s.s.

I,, being first duly sworn, say that I reside in the Village of Franklin, County of Oakland, State of Michigan; that I am a qualified elector therein; that I accept nomination for the office ofto be voted upon at the election to be held on the day of 19 and that I possess the qualifications therefor, and I hereby request that my name be printed on the official ballot for election to such office.

Signed

Subscribed and sworn to before me, a notary public, on this day of 19.....
Notary Public, Oakland County, Michigan
My commission expires
(Amended 3-12-79)

Section 7. All such petitions shall be open to public inspection after being filed in the office of the Village Clerk, in accordance with such reasonable rules and regulations as shall be prescribed by him or her.

Elections

Section 8. Regular Municipal elections shall be held for the Village of Franklin on the second Monday in March of each year for the election of officers of said Village in accordance with the provisions of this Charter.

Section 9. Special elections may, subject to the general laws of the State, be held at such times as the Council may by resolution determine, the purpose and object of which shall be set forth in the resolution calling such election.

Section 10. Notice of the time and place of holding any election and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the Village Clerk in the same manner and at the same times as provided in the State election laws for the giving of notices by village clerks in State elections. Such notice of the election shall be posted in three (3) public places in the Village of Franklin, and a copy shall be published in a newspaper in the Village, if any is published therein, at least two (2) weeks prior to and not more than four (4) weeks before the election. The affidavit of the Village Clerk as to such posting and publishing shall be conclusive proof thereof.

Section 11. Election ballots shall be printed without any party mark, emblem, vignette, or designation whatsoever, on plain, substantial paper, and the same shall be printed and numbered, and the names of candidates transposed and alternated, in accordance with the provisions of the general laws of the State regulating the same at elections in this State. Beneath the names printed on the ballots for each office, there shall be printed one (1) or more blank lines according to the number to be elected to such office, with squares to the left thereof, so that the elector may write or paste thereon the names of any other person than those printed thereon, and vote for such person by placing a cross in the square opposite his or her name.

Section 12. The ballot for officers shall be in substantially the following form:

OFFICIAL BALLOT

Candidates for election to the Village offices of (naming offices to be filled) of the Village of Franklin at the election held on the day of 19..... (Place a cross in the square opposite the names of the persons for whom you desire to vote.)

FOR PRESIDENT

Vote for One

(Here list the names of candidates with a square at the left of each name.)

FOR TRUSTEES

Vote for (designate the number of trustees to be elected). (Here list the names of candidates with a square at the left of each name.)

FOR CLERK

Vote for One

(Here list the names of candidates with a square at the left of each name.)

FOR TREASURER

Vote for One

(Here list the names of candidates with a square at the left of each name.)

FOR ASSESSOR

Vote for One

(Here list the names of candidates with a square at the left of each name.)

Section 13. The Village Clerk shall prepare all ballots for printing and copies of all ballots shall be on file in the office of the Village Clerk at least ten (10) days before the election. The Village Clerk shall cause to be delivered at each polling place prior to the time of the opening of the polls a number of ballots equal to at least one and one-fourth (1-1/4) times the number of registered electors in such polling precinct, and also all supplies, stationery, books, blanks, and accessories necessary for the conduct of election.

Section 14. Immediately upon the closing of the polls the Board of Election inspectors shall count the ballots and ascertain the number of votes cast for each of the candidates and upon each of the questions and propositions voted upon, and shall make immediate returns thereof to the Village Clerk upon blanks to be furnished by the Village Clerk.

Section 15. A recount of the votes cast at any Village election for any office or upon any proposition may be had in accordance with the general election laws of the State.

Section 16. The Village Council shall convene at 8:00 p.m. on the first day other than a Sunday or holiday succeeding any regular or special election and shall canvass the results of such election, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election to the several offices respectively. The person receiving the highest number of votes for any office shall be deemed to have been duly elected to that office. If more than one (1) person is to be elected to any office, then the persons, equal in number to the number to be elected for that office, receiving the highest number of votes for that office, shall be deemed to have been elected to that office.

Section 17. If any person shall make a false oath or affidavit in connection with any matter required by this chapter or shall violate any provision of this chapter or shall knowingly neglect or refuse to perform any duty herein prescribed, such person shall be guilty of a misdemeanor, and upon conviction shall be punished as in this Charter provided.

Section 18. The residents of the Village, having the qualifications of electors under the Constitution and general laws of the State and no others, shall be electors therein. Every elector of the Village who is registered in the Village registration book in accordance with the general laws of the State shall be entitled to vote at any election held under the provisions of this Charter. (Amended 3-13-95)

Section 19. The polls for all Municipal elections shall be open at 7:00 a.m. of election day and remain open until 8:00 p.m. of said day.

Section 20. The Council shall provide all necessary voting booths, equipment, ballot boxes, and supplies for the conduct of all elections.

Section 21. The general election laws of the State when applicable shall apply to all regular and special Village elections, in relation to polling places and their equipment, inspectors and clerks of election and their appointment, the powers and duties of all Village officers, the conduct of elections and the manner of voting, assisted voters, absent voters, election returns, canvass by precinct inspectors, recounts and correction of frauds and errors in returns, and in general to all election matters whether the same be herein specifically enumerated or not; provided, however, that when there is a conflict between such general laws and this Charter as to any matter which may be lawfully regulated by Charter, then the provisions of this Charter shall control.

Section 22. Inspectors and clerks of election shall be appointed by the Village Council and shall receive such compensation as shall be fixed by the Council.

Section 23. The Village Council shall have power, and it shall be its duty, to remove any inspector or clerk of election if in its judgment such inspector or clerk should be removed for the proper and efficient conduct of the election; to fill any vacancy in the office of inspector or clerk of election; and in general to perform such acts as election commissions in villages are authorized to perform.

Section 24. If at any election of Municipal officers there shall be no choice between candidates by reason of two (2) or more candidates having received an equal number of votes, then the same shall be determined by a run-off election. In no case, however, shall the election of any person be determined by a run-off election without there first being a recount of the votes cast at such election, if one (1) of the persons receiving such tie vote demands such a recount.

(Amended 3-13-95)

Section 25. No informalities in conducting a Municipal election shall invalidate the same if such election shall be conducted in substantial conformity with the requirements of this Charter.

CHAPTER V**RECALL**

Section 1. Any elective officer of the Village of Franklin may be removed by the qualified electors of the Village in accordance with the general laws of the State providing the recall of village officials.

CHAPTER VI**ORDINANCES**

Section 1. The enacting clause of all ordinances shall read "The Village of Franklin ordains," but such caption may be omitted when such ordinances are published in book form by authority of the Council. Each proposed ordinance shall be introduced in written or printed form.

Section 2. Except as otherwise provided in this Charter, the Council 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 3. All ordinances shall be recorded in an indexed book marked "Ordinance Book" and the record of each ordinance shall be authenticated by signature of the Village President and Village Clerk. Such record and authentication shall be done promptly after the final passage of the ordinance but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation. Before any ordinance shall become operative a synopsis of such ordinance shall, within fifteen (15) days after passage, be published in a qualified newspaper circulated in the Village, and copies of the ordinance shall, at the same time, be posted in two (2) of the most public places in the Village; the Village Clerk shall, immediately after such publication and posting, and within fifteen (15) days after passage, enter in the record of ordinances, in a blank space to be left for such purpose under the record of ordinance, a certificate under his or her hand, stating the time and places of such publication and posting. Such certificate shall be prima facie evidence of the due publication and posting of the ordinance.

(Amended 3-12-79; 3-13-95)

Section 4. Every ordinance shall become effective upon its publication unless a later effective date is provided therein.

Section 5. The Village Council shall have authority to provide in any ordinance for the punishment of those who violate the same, by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the court. Such imprisonment may be in the Village prison, if any, in the Oakland County Jail, or in any penal institution in the State authorized by law to receive prisoners from the Village.

No ordinance imposing a penalty shall take effect less than twenty (20) days after passage of the same.

(Amended 3-14-88; 3-11-02)

Section 6. Prosecution for any violation of any ordinance of the Village shall be commenced within two (2) years after the commission of the offense, provided that the limitation herein imposed shall not be construed as a limitation on the Village's right to forfeit any franchise, grant or license for violation of the terms and conditions thereof after said two (2) year period.

Section 7. 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.

Section 8. Judicial notice shall be taken of the enactment, existence, provisions, and continuing force of all ordinances of the Village.

Section 9. 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 Village 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 Village Council.

CHAPTER VII

INITIATIVE AND REFERENDUM

Section 1. Any ordinance which may legally be adopted by the Council of the Village of Franklin may be proposed by petition signed by a number of registered electors of the Village of Franklin equal in number to at least ten (10) per cent of the number of registered electors in the Village as certified by the Village Clerk. Such petition shall be addressed to the Council and shall set forth at length the ordinance proposed to be enacted. With each signature attached thereto, there shall be given the street and house number of the residence of the elector so signing, and the date when such signature was attached. The petition may be signed on separate identical forms, but all signed counterparts of the petition shall be filed with the Village Clerk at one (1) and the same time. An affidavit made by a registered elector of the Village shall be attached to each signed counterpart of the petition, which shall state that each signature appearing on the counterpart is the genuine signature of the person of whom it purports to be, and that to the best of affiant's knowledge and belief, the signers whose names are attached thereto are registered electors of the Village of Franklin.

Section 2. Said petition, when signed by the requisite number of registered electors, shall be filed with the Village Clerk. Such Clerk shall attach thereto a certificate, setting forth the name and address of the person or persons filing the said petition in his or her office and the date when said petition was filed. A copy of said petition, exclusive of signature, and of said certificate shall be entered in a record book to be kept for that purpose in the office of the Village Clerk.

Section 3. Within fifteen (15) days from the date of the filing of said petition with the Village Clerk, it shall be the duty of such Clerk to ascertain by comparison of said petition with the registration records of the Village of Franklin, whether or not such petition is signed by the requisite number of registered electors, and following such examination, the Clerk shall attach to said petition his or her certificate showing the result of such examination.

Section 4. If the certificate of the Village Clerk so attached shows the petition to be insufficient, he or she shall within ten (10) days cause notice in writing, setting forth the fact that such petition is found to be insufficient to be served upon at least one (1) of the persons designated in the certificate attached by him or her to said petition as the persons who filed said petition in his or her office. Depositing the said notice in the United States mail, addressed to such person at the address shown on the certificate provided in Section 2 of this chapter, shall be deemed sufficient service. Additional signatures to said petition, properly verified as hereinbefore provided, may be filed with the Village Clerk at any time within twenty (20) days from the date of the service of such notice. The Village Clerk shall attach his or her certificate to such additional typed counterparts of the petition showing the date when the same were

filed, and shall cause said certificate to be entered in the record book along with the original record of the petition and certificate. The Village Clerk shall, within five (5) days after filing of such additional signatures, certify to the sufficiency or insufficiency of the additional signatures. If the number of signatures is still shown to be insufficient, or if no additional signatures are so filed, such petition shall be deemed to be of no effect. A new petition for the same purpose, however, may be later filed.

Section 5. When the petition shall be found by the Village Clerk to be sufficient, he or she shall so certify to the Council at its next regular meeting.

Section 6. If such petition shall be signed by the required number of registered electors of the Village, the Council shall, within twenty (20) days after the meeting at which such petition is submitted to it, either:

(1) Pass said ordinance without alteration subject to the referendum provided by this Charter, or

(2) Reject said ordinance and submit the same without alteration to vote of the qualified electors of the Village at the next regular or special election occurring not less than fifty (50) days from the date of such rejection by the Council; provided, however, that the Council may, by a five-sixths (5/6) vote of the Trustees, call a special election for the purpose of submitting such ordinance, the same to be held not less than fifty (50) days after the rejection of such ordinance by the Council.

Section 7. Within thirty (30) days after the publication of any ordinance duly passed by the Council, a petition may be presented to the Council by filing the same with the Village Clerk, protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by registered electors of the Village equal in number to at least ten (10) per cent of the number of registered electors in the Village as certified by the Village Clerk. Said ordinance shall thereupon and thereby be suspended from operation unless the Council shall, by unanimous vote of those present at its first meeting after the filing of said petition, declare that such ordinance is necessary for the immediate preservation of the public health, peace or safety. The Council shall immediately reconsider such ordinance and if the same be not repealed, the Council shall submit the question of its approval or disapproval to a vote of the electors of the Village at the next regular or special election occurring in not less than fifty (50) days; provided, that the Council, by a five-sixths (5/6) vote of its members elect, may call a special election for the purpose of submitting such question, such election to be held in not less than fifty (50) days from the calling thereof. If a majority of the electors voting thereon at such election vote in favor thereof, said ordinance shall be deemed to have been approved and shall be in full force and effect; otherwise it shall be null and void. The procedure in regard to such petition of protest and referendum shall be the same as provided in this chapter for the initiative and referendum on a proposed ordinance with such modification as the nature of the case may require.

Section 8. The Council may, of its own motion, submit to a referendum for adoption or rejection at any regular or special election held in said Village for any proposed ordinance, in the same manner and with the same force and effect as provided in this chapter for submission on petition. No such ordinance shall be submitted, however, at any election to be held less than fifty (50) days from the date of the meeting of the Council at which such ordinance is ordered submitted.

Section 9. If the provisions of two (2) or more proposed ordinances adopted or approved at the same election are inconsistent, then the ordinance receiving the highest affirmative vote shall prevail.

Section 10. Whenever any ordinance is submitted to the voters of the Village at any election, the Council shall cause such ordinance to be published by inserting the same in full at least once in a newspaper of general circulation in the Village or published by posting the same in ten (10) conspicuous places in the Village, such publication to be made not less than ten (10) days before the election.

Section 11. The ballot or ballot labels used when voting upon such ordinance shall be provided in accordance with law, and shall state the nature of the ordinance in terms sufficient to identify it. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the Village.

Section 12. An ordinance adopted by the electors through initiatory proceedings may not be amended or repealed by the Council for one (1) year after the date of the election at which it was adopted. An ordinance repealed by the electors may not be re-enacted by the Council for one (1) year after the date of the election at which it was repealed.

Section 13. In computing the number of signers to any petition provided for in this chapter, no signature shall be counted which was affixed thereto more than sixty (60) days prior to the filing of such petition with the Village Clerk.

CHAPTER VIII**CONTRACTS**

Section 1. No contract shall be entered into by the Village for the making of any public improvement or for the purchase of any materials, tools, apparatus, supplies or services, exclusive of professional services, which professional services include but are not limited to Village Attorney, Village Engineer, Village Planner, Village Accountant and Village Auditor, the consideration or cost of which shall exceed ten thousand dollars (\$10,000), until specifications shall be prepared therefor, and published advertisement made for sealed proposals thereon; provided, however, that by a vote of two-thirds (2/3) of the members of the Council-elect, such contracts may be made without advertisement. The Village shall have the right to reject any or all such proposals.

(Amended 3-12-79; 3-13-95; 3-11-02)

Section 2. Subject to the provisions of the Charter, the Village may through its departments, officers, and employees perform public work of all kinds or it may let any of such work by contract. The Village shall not, however, undertake the performance of any construction work exceeding an estimated cost of twenty-five thousand dollars (\$25,000), until it has first advertised for sealed proposals therefor.

(Amended 3-12-79; 3-13-95; 3-11-02)

Section 3. No public improvement, costing more than ten thousand dollars (\$10,000), shall be contracted for or commenced until drawings, profiles, and estimates for same shall have been submitted to the Council and approved by it; and the same or a copy thereof shall thereafter remain on file in the office of the Village Clerk subject to inspection of the public.

(Amended 3-12-79; 3-13-95; 3-11-02)

Section 4. No member of the Council shall vote for the authorization of any contract with or for the Village, or for the expenditure of any money on the part of the Village, if he or she shall be financially interested in the proceeds of such contract or in the money so expended.

CHAPTER IX**GENERAL FINANCE, VILLAGE BUDGET AND FUNDS**

Section 1. The fiscal year of the Village shall begin on the first day of July of each year.

Section 2. The Village Treasurer shall be the general accountant of the Village and shall keep a complete set of accounts showing the financial transactions of the Village, which accounts shall conform to the uniform system required by law. The Village Treasurer shall receive and disburse all moneys belonging to the Village and shall keep an accurate detailed account of all money received and disbursed by him or her and of the particular fund into which or from which said money is paid. He or she shall pay out no money except upon warrant issued as in this Charter provided. He or she shall, at least once every three (3) months and oftener if required, furnish the Council with a statement showing all cash on hand and in the bank at the beginning of the preceding period, the receipts and disbursements for the preceding period, the cash and bank balances at the end of the preceding period, and the condition of the several funds of the Village. He or she shall make such other reports as the Council may require.

Section 3. No money shall be drawn from the Treasury except upon the warrant of the Village Clerk countersigned by the Village President. Every warrant shall specify the fund from which it is payable and shall be paid from no other fund. No warrant shall be drawn upon the Treasury after the fund from which it should be paid has been exhausted, and if any such warrant shall be drawn it shall be void. No warrants shall be issued until the same have first been authorized by the Council; provided, however, that the warrants may be issued for the payment of labor and current expenses with the prior authorization of the Council, if authorized by the President, but the total amount of such warrants issued between any successive regular meetings of the Council shall not exceed such an amount as the Council shall from time to time establish. All liquidated accounts and demands against the Village shall be received and audited by the Village Treasurer who shall enumerate them on a regular form prescribed by the Council. The Treasurer shall certify to the Council as to the correctness or incorrectness of the various amounts on such list. The Council shall authorize the issuance of warrants on the Treasury for the payment of such items as shall be approved by it.

Section 4. All taxes accruing to the Village shall be collected by the Village Treasurer. All moneys received by any officer or employee of the Village for or in connection with the business of the Village, shall be paid promptly into the Village Treasury, and shall be deposited by the Treasurer with such responsible banking institutions as may be designated by the Council and furnish such security as the Council may determine, and all interest on such deposits shall accrue to the benefit of the Village. The Council shall provide for the prompt and regular payment and deposit of all Village moneys as required by this section.

Section 5. All fees received by any officer or employee in his or her official capacity shall belong to the Village except as in this Charter otherwise provided and except also where it is otherwise provided in the resolution or ordinance fixing the salary of any officer or employee.

Section 6. The revenues raised by general taxation upon all property in the Village or by loan to be repaid by such tax, shall be divided into such and so many funds as the Council may by ordinance or resolution determine.

Section 7. Within two (2) weeks next preceding any annual Village election, the Council shall make out or have made out a statement in detail of the receipts and expenditures of the corporation during the preceding fiscal year, which statement shall distinctly show the amount of all taxes raised during the year for all purposes, and the amount raised for each fund; the items and amounts received from all other sources during the year; the several items of all expenditures made during the year and the objects thereof, classifying the same for each purpose separately; and such other information as shall be necessary to a full understanding of the financial concerns of the Village. Said statement shall be signed by the Village President and the Village Clerk and shall be filed in the office of the Village Clerk.

Section 8. On or before the first Monday of May of each year, the Council shall prepare and file a proposed annual budget for the ensuing fiscal year, based upon detailed estimates furnished by the several Village officers according to a classification as nearly uniform as possible. The Council shall also prepare the following information:

- (1) A comparative statement, in parallel columns, of the appropriation and expenditures for the current and next preceding fiscal year and the increases and decreases in the appropriation recommended:
- (2) An itemized statement of the taxes required and of the estimated revenue of the Village from all other sources, for the ensuing fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed.

Summaries of such budget shall be published one (1) week in advance of a public hearing which shall be held by the Council before adopting the same.

(Amended 3-12-84)

Section 9. Council shall pass an annual appropriation resolution, which shall be within budgeted revenues. The total amount of appropriation shall not exceed the revenues of the Village as estimated by the Council. No liabilities shall be incurred by an officer or employee of the Village, except in accordance with the provisions of the annual appropriation resolution, or under continuing contracts and loans authorized under the provisions of this Charter. At any meeting after the passage of the appropriation resolution and after at least one (1) week's notice to the members of the Council, the Council may amend such resolution so as to authorize the transfer of unused balances appropriated for one (1) purpose to another purpose, or to appropriate available revenues or a class not included in the annual budget.
(Amended 3-13-95)

Section 10. If for any cause there shall be at the end of any fiscal year a surplus in any current expense fund, such surplus may be transferred to such other fund as the Council may deem advisable.

Section 11. The Council, subject to the applicable provision of law, may authorize the borrowing of money in anticipation of the payment of special assessments made for the purpose of the construction or improvement of highways, streets and alleys within the Village. Such special assessment bonds shall be both an obligation of the special assessment district and a general obligation of the Village. All collections on each special assessment roll, to the extent that the same are pledged for the payment of the principal of, and interest on, bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.
(Amended 3-12-62)

Section 12. The Council, subject to the applicable provisions of the law, may borrow money and issue general obligation bonds of the Village to finance the improvement of streets in the Village with the approval by a three-fifths (3/5) vote of the electors of the Village voting upon the question at an annual or special Village election.
(Amended 3-9-64; 3-13-95)

CHAPTER X**GENERAL ASSESSMENTS AND TAXATION**

Section 1. The subjects of taxation for Municipal purposes shall be the same as for State, county, and school purposes under the general laws of the State.
(Amended 3-11-02)

Section 2. Subject to the provisions of this Charter and the statutes of the State, the Council shall levy such taxes each year as may be necessary to meet the appropriations made (less the estimate of the amount of revenue from other sources) and all sums required by law to be raised on account of the Village debt.
(Amended 3-11-02)

Section 3. The Council shall have the authority, within the limits herein prescribed, to raise annually by taxation such sums of money as may be necessary to defray the expenses and pay the liabilities of the Village and to carry into effect the powers in this Charter granted.
(Amended 3-11-02)

Section 4. The aggregate amount which the Council may raise by a general tax upon the taxable real and personal property in the Village shall not exceed in any one (1) year three dollars and fifty cents (\$3.50) per one thousand dollars (\$1,000) of the assessed value of all real property in the Village, as fixed by the assessment roll of the year in which the tax is levied, except that an additional amount up to one dollar and fifty cents (\$1.50) per one thousand dollars (\$1,000) of assessed value may be raised by a general tax upon the taxable real and personal property of the Village for the exclusive purpose of providing fire protection services.
(Amended 5-6-74; 10-30-89; 3-11-02)

Section 5. The Village Clerk shall certify to the Township Assessor the total amount which the Council determines shall be raised by general tax.
(Amended 3-11-02)

Section 6. After the endorsement of the assessment roll by the Chairman and the Clerk of the Board of Review, and upon receiving the said certificate of the several amounts to be raised, as provided in the preceding section, the Township Assessor shall proceed to assess the amount of the general Village tax according and in proportion to the several valuations set forth in said assessment roll. Said roll shall be known as the "Village tax roll."
(Amended 3-11-02)

Section 7. After extending the taxes as aforesaid, the Township Assessor shall certify under his or her hand said tax roll, and the President of the Village shall annex his or her warrant thereto, directing and requiring the Village 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 authorizing him or her, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his or her goods and chattels, together with the costs and charges of such distress and sale. Said warrant shall further direct that all taxes paid on or before the thirty-first day of August of the same year, shall be collected without additional charge, and that there shall be added to all taxes paid after each thirty-first day of August, one (1) per cent for each and every month or fraction thereof that the same remains unpaid. The Assessor shall also prepare a true copy of said Village tax roll and the President shall execute a duplicate of said warrant and annex the same thereto, said roll to be known as the "duplicate Village tax roll." Said Village tax roll and annexed warrant, and said duplicate tax roll and annexed warrant, shall be delivered by the Assessor to the Village Treasurer on or before the first day of July of the year when made. In the event said tax roll shall be lost or destroyed a new roll and warrant may be made. Before the original tax roll is deposited with the County Treasurer at the time of returning delinquent taxes, the Village Treasurer shall endorse upon the duplicate tax roll all payments made on taxes assessed therein and such duplicate tax roll shall thereupon become the official record of the Village.

(Amended 3-11-02)

Section 8. Village taxes shall be due on the first day of July of the year when levied and shall be payable as stated in the warrant of the Village President annexed to said roll. After the delivery of the tax roll to the Village Treasurer, said Treasurer shall mail tax statements to the several persons named therein. Failure to mail or receive any such statement shall not excuse the non-payment of any tax.

(Amended 3-11-02)

Section 9. The Village taxes when assessed shall become at once a debt to the Village from the person to whom they are assessed, and the amounts assessed on any interest in real property shall, on the first day of July of the year when assessed, become a lien upon such real property, and the lien for such amounts for all interest and charges shall continue until payment thereof. All personal taxes shall also be a first lien on all personal property of such persons so assessed, from and after the first day of July of the year when assessed, and shall so remain until paid, which said lien 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.

(Amended 3-11-02)

Section 10. If the Village Treasurer has been unable to collect any of the Village taxes on said roll on real property before the first day of March following the date when said roll was received by him or her, then it shall be his or her 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 state and county taxes. Such returns shall include all the additional charges hereinbefore provided, which charges shall in such return be added to the amount assessed in said roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected under the provisions of the general laws of the State, and the same rate of interest and all charges shall be collected thereon, and all taxes upon land so returned as delinquent shall be and remain a lien thereon until paid.

(Amended 3-11-02)

Section 11. It shall be the duty of the Village Treasurer, upon request made by any party, to issue his or her certificate showing all unpaid taxes, and other charges which are a lien upon any specified property, and which are payable at his or her office, and he or she may, upon being authorized by the Village Council, charge the party requesting the same such sum as the Council shall establish for each parcel. The issuance of such certificate shall not create any liability upon the part of the Village or the Village Treasurer, except that in the event of fraud on the part of the Village Treasurer in the issuance thereof he or she shall be liable therefor.

(Amended 3-11-02)

Section 12. The Village Clerk, after the Council has determined the several amounts which it requires to be raised by general tax for the several funds of the Village, and the aggregate thereof, shall certify the same to the Village Treasurer. When such general taxes shall be received by the Village Treasurer, they shall be apportioned to the several funds of the Village pro rated according to the several amounts of said funds so certified.

(Amended 3-11-02)

Section 13. Money may be borrowed in anticipation of receipts from taxes for the payment of current expenses or to fund deficiencies in current revenue, by the issue of notes, but the aggregate amount of such loans at any time outstanding shall not exceed the total of such unpaid taxes outstanding. All such loans shall be subject to the provisions of the laws of the State in relation thereto. No temporary loans authorized by this section shall be made without approval of four (4) of the members of the Council.

(Amended 3-11-02)

Section 14. The Village may not levy taxes for the purpose of purchasing grounds for a cemetery or for maintaining a cemetery.

(Amended 3-11-02)

CHAPTER XI**STREETS AND SIDEWALKS**

Section 1. The Council shall have supervision and control of all public highways, streets, alleys, sidewalks and public grounds within the Village, and may regulate the use thereof, subject to the established rights of the public therein.

Section 2. The Council shall have the power to construct, improve and maintain highways, streets and alleys within the Village, and shall have the authority to lay out, establish, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street or alley within the Village whenever it shall deem the same a public improvement.

Section 3. The cost of all construction, improvement and maintenance of highways, streets and alleys within the Village shall be paid for in accordance with the general laws of the State governing the construction, improvement and maintenance of highways, streets and alleys within a village. In addition, the Council may determine that the whole or any part of the cost of construction or improvement of highways, streets and alleys within the Village shall be defrayed by special assessment upon the property especially benefited. The Council shall by general ordinance prescribe a complete special assessment procedure.
(Amended 3-12-62)

Section 4. The Council shall have the authority to determine and establish the grade of all highways, streets, alleys, sidewalks, and public grounds within the Village, and may change any established grades whenever in its opinion the public convenience will be promoted thereby. Whenever any such established grade is changed, however, and an adjoining property owner had previously made improvements in conformity with the established grade, such property owner shall be compensated for all damages reasonably resulting from the change in grade, and the damages shall be paid by the Village and shall not be assessed against property owners benefiting from the change in grade.

Section 5. The Council shall not have the power to construct any new sidewalks in residential areas.

CHAPTER XII**FRANCHISES**

Section 1. The Village shall not own or operate any public utility, nor shall it grant a franchise for the operation of any public utility within the Village limits other than for electric service, telephone service, gas service or public transportation, unless the same shall first have been approved by two-thirds (2/3) of the electors voting thereon at a general or special election.

Section 2. No franchise which is not revocable at the will of the Village shall be granted or become operative until approved by two-thirds (2/3) of the electors voting thereon at a general or special election.

Section 3. No franchise shall be granted for a longer period than thirty (30) years.

Section 4. No person, firm or corporation shall ever be granted an exclusive franchise.

Section 5. No public utility shall have the right to the use of the highways, streets, alleys or other public places for wires, poles, pipes, tracks, conduits or the like without first obtaining a proper permit from the Council, which permit shall be revocable at any time.

Section 6. All contracts granting, renewing, extending or amending a franchise shall be made by ordinance and not otherwise, and shall not be effective until a written acceptance is filed by the grantee with the Village Clerk.

Section 7. The grant of every franchise shall be subject to the right of the Village to make and enforce all regulations which shall be necessary to secure adequate and efficient service from all public utilities operating in the Village, and to protect the health, safety and welfare of the public.

CHAPTER XIII

PLANNING AND PLATS

Section 1. Within thirty (30) days after adoption of this Charter, the Council shall adopt an ordinance creating, under Michigan Public Act 285 of 1931, as amended, a Village Planning Commission which shall serve without compensation. Until such time as said ordinance is adopted and the Planning Commission appointed, no lands or premises shall hereafter be laid out, divided or platted into lots, streets and alleys, within the Village, until such plats are approved in writing by the Council. No plat shall be approved by the Council unless it conforms to Ordinance No. 118 of the Township of Southfield or such zoning ordinance of the Village of Franklin as may supersede the same.

CHAPTER XIV**MAINTENANCE OF VILLAGE UTILITIES**

Public sewers, drains, lighting and water systems or supplies shall not be constructed, provided, or maintained, unless the proposed sewers, drains, lighting systems or supplies shall first have been approved by a majority of the electors voting at any general or special election.

(Amended 3-11-02)

CHAPTER XV**INTERIM LEGISLATION**

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

Any reference in any such by-law, ordinance, resolution, rule or regulation to a Township board or commission shall be construed to refer instead to the Village Council.

Within thirty (30) days after the effective date hereof, the Village Clerk under the direction of the Council shall procure, and enter and maintain in a record called "Interim Legislation," a copy of each existing ownership by-law, ordinance, resolution, rule and regulation disclosed by the public records of the Township; and the Council shall, within sixty (60) days after such entry, determine by resolution the provisions thereof which apply to said territory under authority of this section. The application of such provisions to this Village shall terminate not later than November 3, 1955. In the interim, as a substitute for such Township provisions, the Council shall enact whatever it deems necessary as Village legislation, with notices and hearings thereon as required by this Charter.

CHAPTER XVI**MISCELLANEOUS**

Section 1. Whenever used in this Charter, the word "State" shall mean the "State of Michigan"; the word "Village" shall mean the "Village of Franklin"; the word "Clerk" shall mean the "Village Clerk" unless from the context the contrary shall plainly appear; words referring to the several officers where not preceded by the word "Village" shall be deemed to mean such officers of the Village unless the context implies otherwise; the word "resolution" shall be deemed to include official action in form of a motion as well as in form of a resolution; the terms "Commission" and "Village Commission" shall be construed as meaning "Council" or "Common Council" for the purpose of such general laws of the State as use one (1) or the other of such latter terms in referring to the legislative body of the Village; words imparting the singular number only may extend to and embrace the plural number and words imparting the plural number may be applied and limited to the singular number; words imparting the masculine gender only may extend and be applied to those of the feminine gender.

Section 2. Eastern Standard Time shall be the official time of the Village until otherwise changed by the Council. Any references herein to time shall be construed to be according to the official time of the Village.

Section 3. Words purporting to give joint authority to two (2) or more public officers or other persons either as a board or otherwise shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

Section 4. The word "person" may extend and be applied to bodies corporate as well as individuals. The words "written" and "in writing" may be construed to include printing, engraving, typewritten and lithographing, except that this rule shall not apply to provisions requiring written signatures, unless it be otherwise expressly herein provided. Records of the Village shall include, but not be limited to, all recorded materials.

(Amended 3-12-79)

Section 5. Should any portion of this Charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of the Charter.

Section 6. All records of the Village shall be public and open to inspection at all reasonable times.

Section 7. All books, papers, records, recorded materials, and accounts of any officer elected or appointed, or any office or department of the Village related to Village business, shall be the property of the Village and shall at all times be subject to audit, examination or inspection by any member of the Council, or by any person employed

or designated by the Council for that purpose. And all such books, papers, records, recorded materials, files, and accounts shall be kept in such place as may be designated by the Council.

(Amended 3-12-79)

Section 8. When, by the provisions of this Charter, or by laws of the State, notice of any matter or proceedings is required to be published in a newspaper or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his or her employ knowing the facts, if such notice was required to be by publication in a newspaper, or by the person posting the same when required to be posted, such shall be prima facie evidence of the fact therein contained. Such affidavit of publication or posting shall be filed with the Village Clerk.

Section 9. The Village shall not be liable for unliquidated damages for personal or other injuries, unless the person suffering the injury or sustaining the damage, or someone in his or her behalf, shall serve a notice in writing upon the Village within sixty (60) days after such injury shall have occurred. Such notice shall specify the location and the nature of the defect or other basis of the claim, the injury sustained and the name of the witnesses to the accident which be known at that time by said claimant. The failure to so notify the Village within the time and in the manner specified herein shall exonerate, excuse and exempt the Village from any and all liability on account of such injury. Service of all notices of claims for liquidated damages against the Village shall be made on the President or Clerk.

Section 10. Until otherwise changed by the Council, the seal of the Village of Franklin shall be circular form with the words "Village of Franklin, Michigan, 1954" around the outer edge and the words "Corporate Seal" across the center.

Section 11. All offenses in this Charter shall be punishable by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the court, and the court may provide in any case that in event that the fine shall not be paid, the offender shall be imprisoned until the payment thereof, provided that no person shall be imprisoned for a single violation for a longer period than ninety (90) days.

Section 12. Amendments to this Charter shall be initiated and submitted to the electors of the Village in the manner provided by the laws of the State. For the adoption of any amendment to this Charter or for the adoption of any revision thereof, it shall require the favorable vote of two-thirds (2/3) of the electors voting thereon at the election at which the same shall be submitted.

Section 13. The sale of alcoholic liquor, beer or wine for consumption on the premises is prohibited in the Village of Franklin, unless approved by a majority of the electors at a general or special election.

(Enacted 3-12-79; 3-11-02)

CHAPTER XVII

SUBMISSION AND ELECTION

Section 1. This Charter shall be submitted to the electors of the Village of Franklin for their approval or rejection at an election to be held on Tuesday, the fifteenth of June, 1954, at which election the several elective Village officers provided for in this Charter shall also be elected.

Section 2. Prior to the submission of this Charter, it shall be published once in a newspaper published in the County of Oakland and circulated in the Village of Franklin, not less than two (2) weeks, nor more than four (4) weeks preceding said election, together with a notice of said election, which notice shall state that at said election the question of adopting said proposed Charter will be voted on, and the elective officers provided for therein will be elected, and shall also state the location of the polling place for such election and other matters required by law. Notice of said election shall also be posted in at least ten (10) public places within the Village not less than two (2) weeks prior to said election.

Section 3. Candidates for the several elective Village offices provided for in this Charter shall be nominated by petition signed by not less than fifteen (15) and not more than twenty (20) qualified electors of the Village and filed with the Secretary of this Charter Commission on or before 12:00 noon, Eastern Standard Time, on the twenty-ninth day of May, 1954. Such petitions shall be in substantially the form provided in Chapter IV for nominating petitions. At the same election, the names of candidates, and those only, who have filed nominating petitions as aforesaid, shall be printed on the ballot.

Section 4. The election district for said election shall be the entire Village of Franklin, and the polling place for said election shall be designated by this Charter Commission and published as hereinbefore provided.

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

OFFICIAL BALLOT

Election held in Village of Franklin, Michigan on June 15, 1954.

(Instructions: A cross (X) in the square after the word "yes" is in favor of the charter, and a cross (X) in the square after the word "no" is against the charter.)

"Shall the proposed charter for the Village of Franklin, drafted by the charter commission, elected on the 3rd day of November, 1953, be adopted?"

YES ()

NO ()

Section 6. The polls for said election shall be opened at 7:00 a.m., Eastern Standard Time, or as soon thereafter as may be, and shall be continued open until 8:00 p.m., Eastern Standard Time, of the same day.

Said election shall be conducted by such inspectors and clerks as shall hereafter be designated by the resolution of this Charter Commission.

The votes cast at said election shall be canvassed by a canvassing board of three (3) electors to be hereafter designated by resolution of this Charter Commission.

Section 7. The registration of electors shall be conducted in the manner provided by law for registration in new villages. The Secretary of this Charter Commission shall cause the ballots for said election to be printed and delivered to the polling place before the opening of the polls on said election day. The returns of the Election Board as to the results of said election shall be made to the canvassing board designated by this Charter Commission, immediately after the counting of the ballots is completed. Except as may be otherwise provided in this chapter and in the general laws of the State, the Charter Commission shall conduct the election as provided in Chapter IV of this Charter so far as the provisions of said chapter are applicable.

Section 8. The canvassing board appointed to canvass the votes cast at said election to be held on June 15, 1954, shall as soon as practicable after said election meet and canvass the votes cast at said election and determine the result thereof.

Section 9. If this Charter be approved at said election, then two (2) printed copies thereof, with the vote for and against the same, duly certified by the Village Clerk, shall within thirty (30) days after the vote is taken be filed with each the Secretary of State and the County Clerk of Oakland County, and upon the filing thereof this Charter shall become effective.

EDWARD J. GREEN, Chairman
STANLEY S. KRENTEL, Secretary
CLIFFORD H. HARRISON
MARGUERITE F. RITNER
BERT D. WOOD

Members of the Charter Commission