

THE FOURTH CLASS CITY ACT (EXCERPT)
Act 215 of 1895

CHAPTER V
OFFICERS.

85.1 Election of certain city officers.

Sec. 1. In cities incorporated under this act, a mayor, city clerk, and city treasurer shall be elected by the qualified voters of the whole city.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2988;—CL 1915, 2904;—CL 1929, 1828;—Am. 1931, Act 84, Eff. Sept. 18, 1931;—CL 1948, 85.1;—Am. 1978, Act 539, Imd. Eff. Dec. 22, 1978.

85.2 Ward officers; election, term.

Sec. 2. In each ward a supervisor, 2 aldermen and a constable shall be elected: Provided, That the council of any city re-incorporated under and made subject to the provisions of this act, which at the time of such re-incorporation shall have but 2 wards, may provide by ordinance for the election of 2 additional aldermen, to be known as aldermen at large, and to be elected by the qualified electors of the whole city. At the first election held under this act 1 of such aldermen shall be elected for a term of 1 year and 1 for a term of 2 years, and annually thereafter 1 shall be elected for a term of 2 years.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2989;—CL 1915, 2905;—CL 1929, 1829;—CL 1948, 85.2.

85.3 Appointment, powers, and duties of city officers; availability of writings to public.

Sec. 3. (1) A city attorney, city marshal, street commissioner, city surveyor, a city assessor when provided for, and a chief engineer of the fire department shall be appointed by the mayor, by and with the consent of the council. The council may also provide by ordinance for the appointment of, for the term prescribed in the ordinance, other officers whose election or appointment is not specially provided for in this act, as the council considers necessary for the execution of the powers granted by this act. These appointments shall be made by the mayor, by and with the consent of the council, and their powers and duties shall be prescribed by ordinance. The mayor shall not have a vote in the council regarding mayoral appointments of those officers.

(2) A writing prepared, owned, used, in the possession of, or retained by a board, commission, or committee created under this act in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2990;—CL 1915, 2906;—CL 1929, 1830;—CL 1948, 85.3;—Am. 1978, Act 222, Imd. Eff. June 13, 1978.

85.3a Conducting business at public meeting; notice.

Sec. 3a. The business which a board, commission, or committee created under this act may perform shall be conducted at a public meeting of the board, commission, or committee held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: Add. 1978, Act 222, Imd. Eff. June 13, 1978.

85.4 City officers; appointment, time.

Sec. 4. Appointments to office, except appointments to fill vacancies, shall be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made by the mayor and confirmed at any subsequent regular meeting of the council.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2991;—CL 1915, 2907;—CL 1929, 1831;—CL 1948, 85.4.

85.5 First election; election and terms of aldermen.

Sec. 5. At the first election held in a city incorporated under this act, 2 aldermen in each ward shall be elected. In a city reincorporated under this act, the aldermen elected under the former corporation shall continue in office for the term for which they were elected and, at the first election, the number of aldermen to be elected shall be a number which together, with those continuing in office as provided in this act, totals the requisite number of aldermen required by this act. In this case, the terms of the aldermen first elected as provided by this act, shall be arranged so that 1 alderman for each ward is elected annually thereafter.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2992;—CL 1915, 2908;—CL 1929, 1832;—CL 1948, 85.5;—Am. 1978, Act 539, Imd. Eff. Dec. 22, 1978.

85.6 City officers; terms.

Sec. 6. The mayor, city clerk, city treasurer, supervisors and constables shall hold their offices for the term of 1 year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2993;—CL 1915, 2909;—CL 1929, 1833;—CL 1948, 85.6.

85.7 Appointive officers; terms, vacancies.

Sec. 7. All officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office. Any officer elected to fill a vacancy shall hold the office during the residue of the term of office in which the vacancy occurred, and any officer appointed to fill a vacancy in any elective office shall hold such office until the next annual city election.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2994;—CL 1915, 2910;—CL 1929, 1834;—CL 1948, 85.7.

85.8 Entering upon duties of offices.

Sec. 8. Except as otherwise prescribed by law, officers not elected to fill vacancies shall enter upon the duties of their offices on the second Monday of April of each year.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2995;—CL 1915, 2911;—CL 1929, 1835;—CL 1948, 85.8;—Am. 1978, Act 539, Imd. Eff. Dec. 22, 1978.

QUALIFICATIONS, OATH AND BOND OF OFFICE.

85.9 City offices; qualifications; defaulters, election or appointment void.

Sec. 9. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officers thereof, or to any school district, county, or other municipal corporation of the state. All votes for, or any appointment of, any such defaulter shall be void.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2996;—CL 1915, 2912;—CL 1929, 1836;—CL 1948, 85.9.

85.10 Oath of office.

Sec. 10. All officers elected or appointed in the city, within 10 days after receiving notice of election or appointment, shall take and subscribe the oath of office prescribed by the state constitution of 1963 and file the oath with the city clerk.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2997;—CL 1915, 2913;—CL 1929, 1837;—CL 1948, 85.10;—Am. 1978, Act 539, Imd. Eff. Dec. 22, 1978.

85.11 Bond or security.

Sec. 11. Each officer elected or appointed in the city, before entering upon the duties of his or her office and within the time prescribed for filing the official oath, shall file with the city clerk the bond or security required by law, ordinance, or requirement of the council with sureties approved by the council, for the due performance of the duties of that person's office. The bond or security of the clerk shall be deposited with the city treasurer.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2998;—CL 1915, 2914;—CL 1929, 1838;—CL 1948, 85.11;—Am. 1978, Act 539, Imd. Eff. Dec. 22, 1978.

85.12 Required bond; sufficiency of sureties, inquiry; examination annexed to bond.

Sec. 12. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property; such oath may be administered by the mayor, or any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and be signed by him, and annexed to and filed with the bond or instrument to which it relates.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 2999;—CL 1915, 2915;—CL 1929, 1839;—CL 1948, 85.12.

85.13 New bonds; failure to comply.

Sec. 13. The council may also at any time require any officer, whether elected or appointed, to execute and file with the clerk of the city, new official bonds in the same or in such further sums, and with new or such

further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the council.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3000;—CL 1915, 2916;—CL 1929, 1840;—CL 1948, 85.13.

VACANCIES IN OFFICE.

85.14 Resignations.

Sec. 14. Resignation of officers shall be made to the council.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3001;—CL 1915, 2917;—CL 1929, 1841;—CL 1948, 85.14.

85.15 Office declared vacant.

Sec. 15. If any officer shall cease to be a resident of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3002;—CL 1915, 2918;—CL 1929, 1842;—CL 1948, 85.15.

85.16 Office declared vacant; failure to file oath or bond.

Sec. 16. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3003;—CL 1915, 2919;—CL 1929, 1843;—CL 1948, 85.16.

85.17 Vacancies; filling.

Sec. 17. In case any vacancy occurs in the office of mayor, or in any other elective office, except justice of the peace, constable and school trustee, as hereinafter provided, the council may fill such vacancy by appointment at any time within 20 days after such vacancy occurs, or may, within such time, call a special election for the purpose of filling such vacancy, as they may deem for the best interest of the city. Vacancies in the office of justice of the peace and constable shall be filled at the next annual election or at a special election called for that purpose. Vacancies in any appointive office shall be filled within 20 days after such vacancy occurs, by the mayor by and with the consent of the council.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3004;—CL 1915, 2920;—CL 1929, 1844;—CL 1948, 85.17.

85.18 Vacating officer; liabilities.

Sec. 18. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3005;—CL 1915, 2921;—CL 1929, 1845;—CL 1948, 85.18.

85.19 Property turned over to successor; penalty.

Sec. 19. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person wilfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers may be proceeded against for the like offense, under the general laws of this state now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the state.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3006;—CL 1915, 2922;—CL 1929, 1846;—CL 1948, 85.19.