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**Sec. 2.01. General Powers and Duties.**

All powers of the City shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

**Sec. 2.02. Composition, Eligibility, Election and Terms.**

- (a) *Composition.* There shall be a city council of seven (7) members, consisting of six (6) city councilmembers and a mayor.
- (b) *Term.* The six (6) city councilmembers shall serve for overlapping four (4) year terms beginning the first Monday following the regular City election.
- (c) *Eligibility.* Only registered voters of the City shall be eligible to hold the office of councilmember or mayor. The individual must have been a resident of the City for at least one (1) year immediately preceding the election and shall remain a resident in the City throughout the term in office.
- (d) *Wards.* There shall be one (1) ward covering the entire geographic area of the City. All City councilmembers and the mayor shall be elected from the ward.

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**Sec. 2.03. Mayor.**

A mayor shall be elected for a term of two (2) years at a regular election. The mayor shall be the chief executive officer of the City and a member of the city council. The mayor shall preside at meetings of the council, represent the City in intergovernmental relationships, appoint, with the advice and consent of the council, members of citizen advisory boards, committees and commissions, present an annual state of the City message, and perform other duties specified by the council. The mayor shall be recognized as head of the City government for all ceremonial purposes, shall be the spokesperson for the City, and shall be recognized by the governor for purposes of military law but shall have no administrative duties. The council shall elect from among its members a mayor pro tem who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor until a mayor is selected pursuant to section 2.06.

**State Law reference**— Charter to provide for mayor, MCL 117.3(a).

**Sec. 2.04. Compensation; Expenses.**

The annual salary of the mayor and councilmembers shall be one hundred dollars (\$100.00) for councilmembers and one hundred twenty-five dollars (\$125.00) for mayor. The mayor and councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

**State Law reference**— Charter to provide for compensation of city officers, MCL 117.3(d).

**Sec. 2.05. Prohibitions.**

- (a) *Holding Other Office.* Except where authorized by law, no councilmember shall hold any other elected public office while a member of the council. No councilmember shall hold any other City employment while a member of the council. No former councilmember shall hold any compensated appointive office or employment with the City until six (6) months after the expiration of the term during which the member served on the council. Nothing in this section shall be construed to prohibit the council from selecting any current or former councilmember to represent the City on the governing board of any regional or other intergovernmental agency.
- (b) *Interference with Administration.* Except for the purpose of inquiries and investigations under section 2.08, the council or its members shall deal with City officers and employees who are subject, to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Sec. 2.06. Vacancies; Forfeiture of Office; Filling of Vacancies.**

- (a) *Vacancies.* The office of a councilmember shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized, by law.
- (b) *Forfeiture of Office.* A councilmember shall forfeit that office if the councilmember:
  - (1) Lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law, including but not limited to bona fide residency in the City,
  - (2) Violates any prohibition of this charter,
  - (3) Fails to attend three (3) consecutive regular meetings of the council without being excused by the council.

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- (c) *Filling of Vacancies.* In the event of the death, resignation or removal of the mayor, the council shall choose one (1) of its members mayor within thirty (30) days of being notified of the death, resignation or removal.
- (d) *Filling of Vacancies.* Any vacancy on the council shall be filled by appointment by a majority of the remaining members of the council.

**Sec. 2.07. Judge of Qualifications.**

The city council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. In order to exercise these powers, the council may call witnesses, administer oaths and request the production of evidence.

A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one (1) or more newspapers of general circulation in the City at least one (1) week in advance of the hearing. Decisions made by the council under this section shall be subject to judicial review.

**Sec. 2.08. Investigations.**

The city council may make investigations into the affairs of the City and the conduct of any city department, office or agency and for this purpose may request witnesses, hear comments and request the production of evidence.

**Sec. 2.09. Independent Audit.**

The city council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The council may, without requiring competitive bids, designate such accountant or firm annually, or for a period not exceeding three (3) years. If the state makes such an audit, the council may, accept it as satisfying the requirements of this section.

**Sec. 2.10. Procedure.**

- (a) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by resolution or rule. Special meetings may be held on the call of the mayor or of three (3) or more members. The business which the legislative body may perform shall be conducted at public meetings held in compliance with Public Act No. 267 of 1976 (MCL 15.261—15.275), otherwise known as the Open Meetings Act of the State of Michigan, and any successor laws.

**State Law reference—** Mandatory provisions, MCL 117.3(1).

- (b) *Rules and Journal.* The city council shall determine its own rules and order of business and shall provide for keeping a journal, including minutes and records, of its proceedings in the English language. All records of the City shall be made available to the general public in compliance with Public Act No. 442 of 1976 (MCL 15.231—15.246), otherwise known as the State of Michigan Freedom of Information Act and any successor laws.

**State Law reference—** Mandatory provisions, MCL 117.3(1), (m).

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- (c) *Voting.* The method of voting shall be determined by the city council. The results of voting shall be recorded in the minutes and records. Four (4) members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise specifically provided, shall be valid or binding unless adopted by the affirmative vote of four (4) or more members of the council. Every councilmember shall vote on every question unless otherwise prohibited by law, this charter or regulations under this charter.
- (d) *Super Majority.* Five (5) affirmative votes of the council shall be necessary for the levying of any tax, setting millage rates, amending the zoning ordinance, purchasing or selling of any real estate by the City. Sale of any park by the City is subject to section 9.09.

**Sec. 2.11. Action Requiring an Ordinance.**

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- (1) Adopt or amend an administrative code;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Regulate land use and development; and
- (6) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

**Sec. 2.12. Ordinances in General.**

- (a) *Form.* Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Montague hereby ordains ..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full those portions of the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics. In case an entire ordinance is to be repealed, it shall not be necessary to set forth the same in the repealing ordinance.
- (b) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the council. As soon as practicable after adoption, the clerk shall have the ordinance in an outline format and a notice of its adoption published and the full text available at a reasonable price at the city clerk's office.
- (c) *Effective Date.* Except as otherwise provided in this charter, every adopted ordinance shall become effective no sooner than ten (10) days after the first publication.
- (d) *Publication of All Ordinances Required.* When any ordinance has been adopted pursuant to this charter or state law, it shall be published in full or outline format in a newspaper of general circulation in the City once within ten (10) days of its final adoption either by return of election or action of the city council. This requirement shall apply to all ordinances whether general, initiatory, emergency or transitional.

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- (e) *"Publish" Defined.* As used in this section, the term "publish" means to print in one (1) or more newspapers of general circulation in the City:
- (1) The ordinance or a brief summary thereof, and
  - (2) The places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

**State Law reference**— Charter to provide for ordinance adoption and publication procedures, MCL 117.3(k).

**Sec. 2.13. Codes of Technical Regulations.**

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of section 2.12 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to section 2.14(a).

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

**State Law reference**— Adoption by reference, MCL 117.3(k).

**Sec. 2.14. Authentication and Recording; Codification; Printing.**

- (a) *Authentication and Recording.* The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.
- (b) *Codification.* Within three (3) years after adoption of this charter and at least every ten (10) years thereafter, the city council shall publish in bound or loose-leaf form, together with this charter and any amendments thereto, a copy of all ordinances. Copies of the code shall be furnished to city officers, placed in libraries and public offices for free public reference and made available for purchase by the public at a reasonable price fixed by the council.
- (c) *Printing of Ordinances and Resolutions.* The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first Montague city code compiled after adoption of this charter and at all times thereafter, the ordinances shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the codes of technical regulations and other rules and regulations included in the code.

**State Law reference**— Ordinance codification, MCL 117.5b.

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**Sec. 2.15. Initiative and Referendum.**

- (a) *Initiatory Petition; Signatures Required.* Any proposed ordinance, amendment of an ordinance or repeal of an ordinance which deals with a legislative matter may be submitted to the council by petition signed by electors of the City equal in number to fifteen (15) percent of the highest vote cast in the City for an individual city council member or fifteen (15) percent of the votes cast for the mayor in the last general election in which either was voted upon, whichever is the highest number. The petition shall contain a request that the ordinance be submitted to a vote of the people if not passed by the council and the ordinance shall either be contained in the petition or shall accompany it. This provision does not extend to the making of appropriations.
- (b) *Same; Council Determination Required.* Within thirty (30) days after such petition is presented to the council, the council shall either pass the proposed ordinance without alterations or it shall amend the ordinance if it deems advisable, for purposes of clarity only, retaining, however, the general purpose thereof, or it shall submit the same without amendment to the vote of the electors of the City.
- (c) *Same; Amendment by Council; Publication, Protest.* In case the council shall amend the ordinance it shall publish the same as amended in one (1) or more newspapers of general circulation in the City and if within fifteen (15) days thereafter a protest against the adoption of the ordinance as amended be filed, signed by electors of the City equal in number to ten (10) percent of the highest vote cast in the City for an individual at-large city council member or ten (10) percent of the votes cast for the mayor in the last general election in which either was voted upon, whichever is the highest number, the ordinance as amended shall be submitted to the electors of the City. If no such protest shall be filed the ordinance shall take effect at the time prescribed by the ordinance, or if that has expired, at the expiration of said period of fifteen (15) days.
- (d) *Electors; Conflicting Ordinances, Adoption; Determination.* In case the amended ordinance is submitted to the electors, the original ordinance shall be submitted at the same time as an alternative. If each ordinance shall have a majority of votes cast on the adoption of the same, the one having the greater number of votes shall be considered adopted. If a single ordinance is submitted and the majority of qualified electors voting thereon shall vote in favor thereof, it shall be adopted.
- (e) *Referendum on Ordinances, Effective Date, Objections.* No ordinance passed by the council except when otherwise required by the general laws of the state or by the provisions of this charter (such exceptions including temporary ordinances under subsection 11.05(d)), shall go into effect until ten (10) days after publication. If during said time there shall be presented to the council a protest against the passing of said ordinance signed by electors of the City equal in number to at least fifteen (15) percent of the highest vote cast for a candidate for mayor or individual council member at the last preceding general election in which either office was voted upon, whichever is highest, said ordinance shall thereupon be suspended from taking effect, and it shall be the duty of the council to reconsider said ordinance and if the same is not entirely repealed the council shall submit it to the vote of the electors.
- (f) *Electors; Ordinances, Adoption; Number Unrestricted.* Any number of proposed ordinances may be voted upon at the same election in accordance with the provision of the charter.
- (g) *Ordinances; Repeal; Submission to Electors.* The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto to be voted upon at any City election and if such proposition receives a majority of the votes cast thereon at such election the ordinance shall thereby be repealed or amended.
- (h) *Same; Submission to Electors, Time.* All ordinances submitted to the electors shall be submitted at the next general municipal election after final action taken by the council if one is held within ninety (90) days, but if no general election shall be held within that time, a special election shall be called by the city council for that purpose and held within that time. Not more than one (1) special election shall be held for such purpose in the period of six (6) months and no more than two (2) special elections within one (1) year.

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- (i) *Same; Adoption; Electors; Effective Date.* Whenever the electors shall adopt an ordinance it shall go into effect at the time prescribed therein, or if that time shall have expired, ten (10) days after publication, which shall follow the election.
- (j) *Ordinances; Adoption, Electors; Repeal, Restriction.* No ordinance which has been adopted by the vote of the electors shall be repealed or amended within five (5) years except by vote of the electors.
- (k) *Ordinances; Submission to Electors; Publication Required.* All ordinances or propositions for amendment or repealing of ordinances submitted to the voters shall be published at least once in one (1) or more newspapers of general circulation in the city not more than thirty (30) nor less than ten (10) days prior to the elections.
- (l) All ordinances adopted pursuant to section 2.15 shall be published as required in section 2.12(d).

**Sec. 2.16. Ordinance Penalties.**

All ordinances which provide for criminal penalties shall provide for a maximum fine of five hundred dollars (\$500.00) and a maximum jail sentence of ninety (90) days, or both, or such additional penalties allowed by state law. Ordinances, where authorized by state law, may provide for civil infraction penalties or treatment.

**State Law reference**— Penalties for ordinance violations, MCL 117.3(k), 117.4(k).

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FOOTNOTE(S):

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**State Law reference**— Charter to provide for elected legislative body and for duties and qualifications of city officers, MCL 117.3(a).([Back](#))