

Village of Bingham Farms
NOTICE OF PROPOSED CHARTER AMENDMENTS

The Village of Bingham Farms Council at its regular meeting on Monday, July 23, 2018 at 7:30 p.m. at the Village of Bingham Farms municipal office, 24255 W. Thirteen Mile Rd., Ste. 190, Bingham Farms, MI 48025, will consider taking action on the following proposed amendments to the Village of Bingham Farms charter. If approved by the Village Council, the proposed charter amendments shall be submitted on the ballot to the electors at the Tuesday, November 6, 2018 general election.

PROPOSED CHARTER AMENDMENT A
CHAPTER II, SECTION 2 (1)

Present Charter Language

To acquire by purchase, gift or lease, personal property of a value not to exceed \$10,000, 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 and to acquire or dispose of personal property of a value exceeding \$10,000 with the prior approval of a majority vote of the electors voting thereon;

Proposed Charter Language

To acquire by purchase, gift or lease, personal property of a value not to exceed \$20,000, 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 and to acquire or dispose of personal property of a value exceeding \$20,000 with the prior approval of a majority vote of the electors voting thereon;

Ballot Question

Shall Section 2(1) of Chapter II of the Charter be amended to provide that the Village may acquire and/or dispose of personal property of a value not exceeding \$20,000.00 for any public use without approval of the electorate.

Yes No

PROPOSED CHARTER AMENDMENT B
CHAPTER III, SECTION 8 (2)

Present Charter Language

The President shall appoint a Village Marshal, who shall be the Chief of Police of the Village. As police officer, he shall be subject to the direction of the President and Council. It shall be his 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 shall, within said Village, be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall have power to serve and execute all process directed or delivered to him, 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.

Proposed Charter Language

The Council may establish and/or contract for a Police Department, including appointing and/or contracting a Police Chief. The Police Department and Police Chief shall be subject to the direction of the President and Council. It shall be the Police Department and Police Chief's 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. The Police Department and Police Chief shall, within said Village, be vested with all the powers

conferred upon sheriffs for the preservation of quiet and good order. The Police Department and Police Chief shall have the power to serve and execute all process directed or delivered to them, 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.

Ballot Question

Shall Section 8(2) of Chapter III of the Charter be amended to provide that the Village Council may establish and/or contract for a Police Department including a Police Chief to insure that all ordinances and regulations of the Village are promptly enforced and to eliminate all references to a Village Marshal.

Yes No

**PROPOSED CHARTER AMENDMENT C
CHAPTER III, SECTION 8(3)**

Present Charter Language

The President may remove any officer appointed by him at any time when he shall deem it for the public interest and may suspend the Village Marshal for neglect of duty. He 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 Bingham Farms.

Proposed Charter Language

The President may remove any officer appointed by him at any time when he shall deem it for the public interest. He 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 Bingham Farms.

Ballot Question

Shall Section 8(3) of Chapter III of the Charter be amended to eliminate any reference to the Village Marshall.

Yes No

**PROPOSED CHARTER AMENDMENT D
CHAPTER IV, SECTION 21**

Present Charter Language

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, powers and duties, 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 return, 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.

Proposed Charter Language

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, powers and duties, 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 return, 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, then the provisions of the general laws of the State shall control.

Ballot Question

Shall Section 21 of Chapter IV of the Charter be amended to provide that if there is a conflict between the general laws of the State of Michigan and the Village Charter with respect to elections, the general laws of the State of Michigan shall control.

Yes No

**PROPOSED CHARTER AMENDMENT E
CHAPTER VI, SECTION 5**

Present Charter Language

The Council shall have authority to provide in any ordinance for the punishment of those who violate the same, by a fine not exceeding One Hundred Dollars (\$100) 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

Proposed Charter Language

The Village Council shall have the authority to provide in any Ordinance for the punishment of those who violate the same by a fine not exceeding \$500.00 or imprisonment not exceeding 90 days, or both. However, unless otherwise provided by law, an Ordinance may provide that a violation of the Ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. The Village Council shall also have the authority to adopt Ordinances that designate a violation of the Ordinance as a civil infraction and provide a civil fine for that violation.

Ballot Question

Shall Section 5 of Chapter VI of the Charter be amended to provide that the maximum fine for violation of any Village Ordinance shall be increased from \$100.00 to \$500.00 and imprisonment not exceeding 90 days or a maximum period of imprisonment of 93 days if authorized by State law and to also provide that the Village Council shall have the authority to designate the violation of certain ordinances as civil infractions.

Yes No

**PROPOSED CHARTER AMENDMENT F
CHAPTER IX, SECTION 7**

Present Charter Language

Within two 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 President and the Clerk and shall be filed in the Office of the Clerk.

Proposed Charter Language

The Village shall provide such financial reporting as is required by State law.

Ballot Question

Shall Section 7 of Chapter IX of the Charter be amended to provide that the Village shall provide financial reporting in the manner required by State law

Yes No

**PROPOSED CHARTER AMENDMENT G
CHAPTER XVI, SECTION 11**

Present Charter Language

Every person convicted of a violation of this Charter or any ordinance adopted pursuant thereto shall be punished 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, and the court may provide in any case that in the event 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 days. (Section 11 as amended March 8, 1982)

Proposed Charter Language

Every person convicted of a violation of this Charter or any Ordinance adopted pursuant thereto, shall be punished by a fine not exceeding \$500.00 or imprisonment for a period not exceeding 90 days, or both in the discretion of the Court, unless the conviction is for a violation of an Ordinance in which the Village Council has designated a punishment of imprisonment of not more than 93 days or a fine of not more than \$500.00, or both or the conviction (finding of responsibility) is for a violation of an Ordinance that has been designated by the Village Council as a civil infraction, in which case the punishment shall be as provided in said Ordinances.

Ballot Question

Shall Section 11 of Chapter XVI of the Charter be amended to provide that persons convicted of a violation of the Charter or Village Ordinances shall be punished by a fine not exceeding \$500.00 and/or imprisonment not exceeding 90 days, or imprisonment not exceeding 93 days if authorized by State law, or a fine not more than \$500.00 for a violation of civil infraction ordinances.

Yes No