

**CHAPTER 2
ADMINISTRATION**

2.01 PRECINCTS

- (A) Hereafter there shall be four (4) Election Precincts in the City of Lapeer.
- (B) Precinct Number One (1) shall include all territory lying North of Genesee Street and West of Lincoln Street to end of City limits.
- (C) Precinct Number Two (2) shall include all territory lying East of Lincoln Street; north of Genesee Street; west of Fox Street extended from Genesee Street to Biddle Street; west of Biddle Street to Cedar Street; west of Cedar Street to Second Street; south to Second Street to Main Street; and west of Main Street to end of City limits.
- (D) Precinct Number Three (3) shall include all territory lying east of Main Street north of Second Street; and all territory east of Cedar Street extended to Biddle Street; east of Biddle Street to Fox Street; east of Fox Street to Genesee Street; north of Genesee Street to Saginaw Street; and east of Saginaw Street south of Genesee Street to end of City limits.
- (E) Precinct Number Four (4) shall include all territory lying south of Genesee Street and west of Saginaw Street to end of City limits.
- (F) Deleted.
- (G) All Ordinances and parts of ordinances insofar as they conflict with the provisions of this Ordinance shall be and the same hereby are rescinded.
EFFECTIVE DATE OF AMENDMENT: February 28, 1996

2.02 PARK BOARD

- (A) There is hereby created a Park Board consisting of seven (7) members appointed by the Mayor with the consent of the City Commission for a three (3) year term. No member shall receive compensation as such.
- (B) The Park Board shall elect one of its members as chairperson and may elect other officers as it deems appropriate. The Park Board may use a non-member as a recording secretary. The Park Board shall keep a correct record of its proceedings and shall meet at such times as it may determine.

- (C) The Park Board shall have such responsibilities for supervision of City parks and parks & recreation programs as shall be determined, from time to time, by the City Commission. The Park Board shall otherwise serve in an advisory capacity to the City Commission.
- (D) The City Commission will include in its annual budget a sum of money reasonably sufficient for park purposes.
- (E) The Park Board shall make, at the end of each year, a report to the City Commission, stating the various sums of money received from all sources, its expenditures and for what purposes, and such other information and recommendations as the Park Board members may deem necessary.
- (F) All donations of money or property, including money or property received by will or devise, made for City parks or parks & recreation programs, shall be exclusively expended and applied for parks or parks & recreation programs.
- (G) The City Manager shall hire and set the salary of all parks and parks & recreation employees unless the City Commission delegates such responsibility to the Park Board.
- (H) Deleted.
- (I) Deleted.
- (J) Deleted.
EFFECTIVE DATE: July 26, 1995

2.03 PLANNING COMMISSION

- (A) A City Planning Commission is hereby created with the powers and duties as set forth by Act 285 of the Public Acts of 1931, as amended; being C.L. '48 125.31 through 125.45 and M.S.A. 5.2991 through 5.3005.
- (B) Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, of Act 285 of the Public Acts of 1931, as amended, are hereby adopted by reference, it being the intent of this Ordinance to adopt only those provision which pertain and apply to cities, it being understood that the word "council" as referred to in the Statute means the

"Lapeer City Commission", and the word "commission" as referred to in the statute means the "City Planning Commission".

- (C) The City Planning Commission shall consist of the Mayor, one of the administrative officials of the municipality selected by the Mayor, one member of the Lapeer City Commission selected by it as a member ex officio, and six persons who shall be appointed by the Mayor subject to approval by a majority vote of the members elect of the Lapeer City Commission. All members of the City Planning Commission shall serve as such without compensation, and the six persons appointed by the Mayor shall hold no other municipal office except that one of such appointed members may be a member of the Zoning Board of Appeals. The terms of ex officio members shall correspond to their respective official tenures except that the term of the administrative official selected by the Mayor shall terminate with the term of the Mayor selecting him. The term of each of the six appointed members shall be three years or until his successor takes office. The six members appointed by the Mayor shall represent, insofar as possible different professions and occupations. Members other than the members selected by the Lapeer City Commission may, after public hearing, be removed by the Mayor for inefficiency, neglect of duty, or malfeasance in office, The Lapeer City Commission may for like cause remove the members selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor in case of members selected or appointed by him, and by the Lapeer City Commission in the case of the Lapeer City Commission member.

2.04 LIBRARY BOARD

- (A) The Public Library of the City of Lapeer, shall be managed and controlled by a Library Board to be appointed as hereinafter provided.
- (B) The Mayor shall with the majority approval of the Commission appoint a board of six (6) directors, chosen from the citizens at large, with reference to their fitness for such office.
- (C) Members shall hold office for a term of three (3) years, which term shall begin on May 1st, or until their successors are appointed. Two (2) directors shall be appointed each year on the second Monday in April, or as soon thereafter as possible. The mayor may; by and with the consent of the Commission, remove any

member for misconduct or neglect of duty. No director shall receive compensation as such

- (D) Vacancies in the Board occasioned by removals, resignations or otherwise, shall be reported to the Commission and be filled in like manner as original appointments and for the balance of the unexpired term.
- (E) Said Board shall, at the first meeting in May of each year, elect a Chairman, Vice-Chairman and Secretary from the members of the Board. The City Treasurer shall be Treasurer of the Library Board. They shall adopt such by-laws, rules and regulations for their own guidance and for the government of the Library and Reading Rooms, as may be expedient, not inconsistent with this Ordinance. They shall have exclusive control of the expenditures of all monies collected to the credit of the Library Fund, and of the construction of any Library building and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose. Provided that all money received for such Library shall be deposited in the Treasury of said City to the credit of the Library Fund, and shall be kept separate and apart from other monies, and drawn upon by the President and Secretary thereof. Said Board shall have the power to erect and occupy an appropriate building for the use of the Library, shall have the power to appoint a suitable Librarian and necessary assistants and fix their compensations; and shall have power to remove such appointees, and shall in general carry out the spirit and intent of this Ordinance in establishing and maintaining a Library.
- (F) Such Library shall be forever free to the inhabitants of this City, always subject to such reasonable rules and regulations as the Library Board may adopt; and said Board may exclude from the use of said Library any and all persons who shall willfully violate such rules.
- (G) The said Board shall make, at the end of each and every Fiscal Year, a report to the Commission, stating the condition of their trust at the date of such report; various sums of money received from all sources, and how much monies have been expended, and for what purposes; an inventory of all property on hand; and such other statistics, information and suggestions as they may deem of general interest. The Fiscal Year of this Board shall end on March 31st.
- (H) Any person desiring to make donations of money, personal property or real estate for the benefit of such Library shall have the right to vest the title to the money or real estate so donated in the Library Board, created under this Ordinance, to be

held and controlled by such Board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the Board shall be held and considered to be special trustees.

2.05 HEALTH OFFICER

- (A) The office of Health Officer is hereby created and the Mayor, subject to the approval of the City Commission, shall appoint such Health Officer and he shall be subject to the same qualifications and regulations as all other appointed officers; he shall be a duly qualified physician whose term shall be for one (1) year.
- (B) The said Health Officer shall have such powers and perform such duties as are conferred upon or that may hereafter be conferred upon or required of Health Officers of cities and townships appointed under the general laws of the State, and the regulations of the State Board of Health, and shall perform such other duties pertaining to his office as may be required by resolution of the City Commission of the City of Lapeer.
- (C) The Health Officer may appoint such deputies or assistants as he may deem necessary to carry out his duties.
- (D) The compensation and duties of the Health Officer, shall be set annually by resolution of the Commission sixty (60) days prior to the beginning of each fiscal year.

2.06 CEMETERY BOARD

- (A) There is hereby established a departmental activity in the City organization to be known as Mount Hope Cemetery, to be managed by the Board of Cemetery Trustees hereby created, subject to the directions and Ordinances of the City.
- (B) There is hereby created a Board of Cemetery Trustees consisting of five (5) Trustees, who shall be free-holders and electors in the City, to be appointed by the Mayor and with the consent of the Commission. Said Trustees shall hold office for the term of five (5) years, except that at the first appointment one shall be appointed for a term of one (1) year, one for a term of two (2) years, one for a term of three (3) years, one for a term of four (4) years, and one for at term of five (5) years, from the first Monday in May of the year when appointed, and annually thereafter one (1) Trustee shall be appointed; provided that the first year of their

term shall end on the first Monday in May following their appointment, Any Trustee so appointed may be removed for inattention to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. Said Trustee shall serve without compensation.

- (C) The Board of Cemetery Trustees shall appoint one (1) of their number as a chairman, and the City Clerk shall be clerk of said Board. The said Board is hereby invested with such powers authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof, and in addition to the duties herein mentioned, the said Board shall perform such other duties as the Commission may prescribe.
- (D) The said Board of Trustees shall appoint, with approval of the Commission, a sexton and such other employees as may be necessary for the care and maintenance of said cemetery, and shall have the care and management of said cemetery and shall direct the improvements and embellishments of the grounds; and shall enforce the Ordinances of the City made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of the persons visiting the grounds as may be consistent with the Ordinances of the City and the laws of the State.
- (E) Said Board of Trustees shall fix the price of lots and make sales thereof. The conveyances of such cemetery lots, half-lots or grave spaces, shall be for burial rights of human bodies only and shall be issued and executed on behalf of the City by the City Clerk and sealed with the seal of the City of Lapeer, and shall be in such form as the said Board of Trustees, with the approval of the Commission, shall prescribe.
- (F) The Sexton who shall be appointed by the said Trustees, shall have police authority in enforcing all regulations of the Board of Trustees and the Ordinances of the City in preserving order and proper conduct within such cemetery and grounds.
- (G) The said Board of Trustees may set off so much of said cemetery as in their judgment may be necessary for a free burial ground.
- (H) The said Board of Trustees shall also have power in its discretion to take, receive and hold any property, real or personal, by devise or otherwise, which may be

granted, transferred or devised to such Board in trust for the purpose of caring for and keeping in good order and repair any lot or lots or portions thereof specified in any such trust.

- (I) The memorial and perpetual care fund transferred by Mount Hope Cemetery Association to the City, in connection with its transfer to the City of the Mount Hope Cemetery, and all rights and assets of said Association, shall be deposited with the City Treasury and shall be denominated as the Mount Hope Cemetery Perpetual Care Fund.
- (J) All monies raised for such cemetery authorized by this Ordinance and all monies received from the sale of lots, half-lots or grave spaces therein, shall be paid to the City Treasury and shall constitute a fund to be denominated "The Cemetery Fund". Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery.
- (K) The Cemetery Board may assess against every lot or portion of lot (burial rights for which have been sold, but not in perpetual care) such sum per year as the Board may determine, for perpetual care; said assessment to be paid on or before the first day of May for the care of such lots for the ensuing year.
- (L) Whenever assessments for care of any lot or part lot shall remain unpaid for a period of five (5) years, then the Cemetery Board shall, after notice by registered letter or publication in a newspaper circulating in the County, have the right to cancel burial rights in the unused portion of said lots and to resell the burial rights. Proceeds of such sale to be used for putting as much of said lots in perpetual care as receipts from such sale will permit.
- (M) The said Board of Trustees may make such rules and regulations in connection with the Board's care and management of said Cemetery, not inconsistent with the provisions of this Ordinance, as said Board may deem advisable, with the approval of the Commission; in the meantime, and until such rules and regulations and the provisions of this Ordinance can be put into effect, the regulations of the Mount Hope Cemetery Association shall govern as nearly as can be.
- (N) Nothing herein contained shall be construed to prohibit individuals from caring for lots or burial spaces, but no such care shall be considered in lieu of assessments thereon, and provided that such care by individuals shall not be inconsistent with the regulations of the said Board of Trustees.

- (O) The said Board of Trustees shall report to the Commission annually on the first Monday in March of each year, and oftener when the Commission shall so require, the amount of all monies held, received into and owing to the Cemetery Fund, and from what source and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid and to whom incurred, and such other matters as the Commission shall require to be reported, which report shall be certified by the oath of the Clerk of the Board.

2.07

CITY OPERATING TAX MILLAGE ORDINANCE

- (A) The tax limit created by Section 3 (G) of Act 279 of the Public Acts of 1909, as amended, as adopted by Section 9.1 of the Charter of the City of Lapeer, as revised on August 5, 1958, for the operating expenses of the City of Lapeer, shall be limited to not more than ten (10) mills of the assessed valuation as equalized of all real and personal property subject to taxation in the City for each City Fiscal Year beginning April 1, 1967.