

TITLE III: ADMINISTRATION

Chapter

- 30. CITY OFFICIALS**
- 31. CITY ORGANIZATIONS**
- 32. FINANCE; REVENUE; TAXATION; ASSESSMENTS**
- 33. PERSONNEL**

CHAPTER 30: CITY OFFICIALS

Section (§)

- 30.01 Police Department; Police Chief
- 30.02 City Attorney
- 30.03 City Engineer
- 30.04 City Manager

§ 30.01 POLICE DEPARTMENT; POLICE CHIEF.

(A) The City of Brown City shall maintain a Police Department which shall consist of a Police Chief and the number of full-time, part-time, and reserve officers as the City Council determines are necessary to enforce those laws in effect within the City of Brown City and to maintain the health, safety, and welfare of the City and its citizens.

(B) Conduct and duties of the members of the Police Department shall be governed by the Brown City Police Department Policies and Procedures Manual which shall be adopted by resolution of the Brown City Council and which may be amended as necessary by the same procedures from time to time.

(C) This section shall take effect upon publication.
(1997 Code, § 2102)

§ 30.02 CITY ATTORNEY.

(A) The Mayor, with the approval of the Council, shall annually appoint a City Attorney for the City.

(B) The City Attorney shall be admitted to the practice of law in the State of Michigan through the State Bar of Michigan, and shall be a member in good standing of the State Bar of Michigan.
(Am. Ord. passed 3-25-1996)

(C) The compensation of the City Engineer and any of his or her assistants shall be set from time to time by the City Council.
(1997 Code, § 2106)

(C) It shall be the duty of the City Attorney to:

(1) Pass upon all ordinances and amendments of ordinances of the City;

(2) Prosecute any offenses against the ordinances of the City; and

(3) Advise the Mayor, Council, and all other elected and appointed officials of the City on any points of law relative to their duties, this code, and any procedure under this code and the state law.

(D) The City Attorney shall attend Council meetings when requested, and shall advise the Council and the Mayor relative to points of law and any discussions of the Council.

(E) The compensation of the City Attorney shall be set from time to time by resolution of the Council.
(1997 Code, § 2104)

§ 30.03 CITY ENGINEER.

(A) The City Council shall hire the City Engineer.

(B) It shall be the duty of the City Engineer to carry out all of the provisions of this code entrusted to him or her, to do all other work required of him or her by the City Council, and to repair and maintain the public property and equipment of the City.

§ 30.04 CITY MANAGER.

(A) In accordance with the authority for the appointment of the City officers as the Council shall deem necessary for the execution of the powers granted to the City, there is hereby created

the position of City Manager.

(B) Within 90 days after a vacancy exists in the position, the Mayor shall appoint, by and with the consent of the Council, a City Manager to serve for an indefinite period. He or she may be removed for cause shown by a 2/3 majority of the Council Elect. The Mayor or any member of the Council may request a vote on the removal of the City Manager. Once the Mayor or any member of the Council request a removal of the City Manager, the City Manager will be notified of his or her requested dismissal and the reason for the request. No sooner than 14 days after this notice, a due process hearing to the extent required by law shall be conducted. Upon request, the City Manager shall have the right to a closed hearing. Should the City Manager rescind the request for a closed hearing at any time, the matter at issue shall be considered after the rescission only in open sessions of the City Council. At the completion of the hearing, the City Manager may be removed by a vote of 2/3 of the Council Elect. However, the termination of services of the City Manager shall not take effect until 60 days after the vote of the City Council.
(Am. Ord. passed 3-25-1996)

(C) The City Manager shall be selected solely on the basis of his or her executive and administrative qualifications, with special reference to his or her training and experience, and without regard to race, color, national origin, sex, or religious or political preferences. He or she need not be a resident of the City at the time of his or her appointment, but shall reside in its proximity, as prescribed by the Mayor and Council; provided the City Manager shall not terminate his or her services without giving the City 60 days notice of his or her intention to terminate.

(D) (1) The Mayor and City Council shall formally evaluate the City Manager prior to September 30 of each year; and conduct an informal evaluation using the same methodology

(9) This division (D) shall take effect 30 days after adoption.
(Ord. passed 4-25-2005)

(E) The City Manager shall receive the compensation as the Council shall fix from time to

not later than February 28 of each year. As the only salaried employee of the City, semi-annual evaluations of the City Manager are in the best interest of the City.

(2) The Mayor and each Councilmember shall complete an evaluation form prior to the scheduled evaluation time. The evaluation criteria shall be in accordance with the evaluation policy approved by the City Council.

(3) The evaluation shall be conducted using the evaluation form recommended by a majority of the Personnel Committee.

(4) The City Manager may request the evaluation be conducted in executive session, in accordance with the Michigan Open Meetings Act, Public Act 267 of 1976 being MCL 15.261 - 15.275.

(5) The Mayor, or his or her designee, will collect the completed evaluation form from each Councilmember during the regular or special City Council meeting, average the scores on a master evaluation form, and present the results to the City Manager during that portion of the meeting reserved for the City Manager's evaluation.

(6) Following presentation of the written evaluation, individual members of the City Council may ask questions of, share concerns with, or make recommendations/comments to, the City Manager.

(7) The City Manager shall be provided the opportunity to respond to both the written evaluation and individual Councilmembers.

(8) Recommendations for modifications to the City Manager's contract, remuneration, and/or benefits may be discussed during the formal evaluation process.

time by motion.

(F) The Mayor and Council may appoint or designate an Acting Manager during the period of a vacancy in the Office of Manager or during the absence of the Manager from the City.

Brown City - Administration

(G) The City Manager shall be responsible to the Mayor and Council for the proper administration of all affairs of the City, including, but not limited to, those relating to water, sewer, public works, public health and safety, Fire Department and Police Department, and to that end he or she shall have power, and shall be required to:

(1) Act on behalf of, carry out the instructions of, and be the authorized representative of the City Council;

(2) Recommend to the Mayor and Council the employment and discharge of the officers and employees in the departments under his or her jurisdiction;

(3) Be solely responsible to the Mayor and Council for directing all the departments of the City under his or her jurisdiction and the personnel therein, within the limits set by law;

(4) Attend all meetings of the City Council, with the right to take part in discussion, but without the right to vote;

(5) Be a member ex-officio of all committees of the City Council;

(6) Recommend to the Council for adoption of the measures as he or she may deem necessary or expedient for improvement or betterment of the City;

(7) Prepare an annual budget, submit it to the Council, recommend its adoption, and be responsible for the administration thereof; provided, however, the raising of money shall in all cases be with the consent and approval of the Council;

(8) He or she shall inform the Council, at the next regular meeting, of any purchases or sales of property of less than \$500;

(I) (1) The Mayor and City Council shall formally evaluate the City Manager prior to September 30 of each year; and conduct an informal evaluation using the same methodology

(9) Exercise and perform all administrative functions that are not imposed by law or ordinance upon some other official;

(10) When requested by Council, present to the Council periodic and special reports covering the activities of the City administration for which he or she is responsible;

(11) Recommend to the Council the salaries to be paid each appointive officer and employee of the City under his or her jurisdiction; and

(12) Perform the other duties as may be required of him or her from time to time by the Council, not inconsistent with applicable statutes or ordinances.

(H) Neither the Mayor nor any member of the Council shall try to unduly influence the Manager as to his or her recommendations for the employment of any person, or in any way interfere with the Manager to prevent him or her from exercising his or her judgment in the direction of the departments and the personnel under his or her jurisdiction, except the Council as a whole may make the recommendations and, in the exercise of its power, may override the judgment of the City Manager in the matters as the Council deems fit. The Mayor and the Council shall be in charge of the hiring of personnel for the various departments, but shall receive the recommendations of the City Manager, and give the recommendations the weight as they see fit. The Mayor and the Council shall deal with the departments under the jurisdiction of the Manager through the City Manager. In the event there is dissatisfaction in the manner the department is being run, the City Manager may call a member of the City Council and, if they deem necessary, may call upon the personnel from the departments to appear at the meeting.

(1997 Code, § 2108) (Ord. passed 6-10-1974)

not later than February 28 of each year. As the only salaried employee of the City, semi-annual evaluations of the City Manager are in the best interest of the City.

(2) The Mayor and each Councilmember shall complete an evaluation form prior to the scheduled evaluation time. The evaluation criteria shall be in accordance with the evaluation policy approved by the City Council.

(3) The evaluation shall be conducted using the evaluation form recommended by a majority of the Personnel Committee.

(4) The City Manager may request the evaluation be conducted in executive session in accordance with the Michigan Open Meetings Act.

(5) The Mayor, or his or her designee, will collect the completed evaluation form from each Councilmember during the Regular or Special City Council meeting, average the scores on a "Master Evaluation Form," and present the results to the City Manager during that portion of the meeting reserved for the City Manager's evaluation.

(6) Following presentation of the written evaluation, individual members of the City Council may ask questions of, share concerns with, or make recommendations/comments to the City Manager.

(7) The City Manager shall be provided the opportunity to respond to both the written evaluation and individual Councilmembers.

(8) Recommendations for modifications to the City Manager's contract, remuneration and/or benefits may be discussed during the formal evaluation process.

(1997 Code, § 2108.2.1) (Ord. passed 4-25-2005)

CHAPTER 31: CITY ORGANIZATIONS

Section

Festival Commission

- 31.015 Generally
- 31.016 Establishment
- 31.017 Composition
- 31.018 Terms of office
- 31.019 Meetings; duties
- 31.020 Budget
- 31.021 Minutes
- 31.022 Duties of the Council representative
- 31.023 Duties of the City Manager
- 31.024 Effective date

Homecoming Commission

- 31.035 Generally
- 31.036 Establishment
- 31.037 Composition
- 31.038 Terms of office
- 31.039 Meetings; duties
- 31.040 Budget
- 31.041 Minutes
- 31.042 Duties of the Council representative
- 31.043 Duties of the City Manager
- 31.044 Effective date

Tax Board of Review

- 31.055 Generally

Housing Commission

- 31.085 Generally

Downtown Development Authority

- 31.100 Title

This is a subchapter establishing the Brown City Festival Commission, and appointing Commissioners, for the purpose of planning, managing, financing and insuring the annual

- 31.101 Definitions
- 31.102 Determination of necessity
- 31.103 Creation of Authority
- 31.104 Description of Downtown District
- 31.105 Board of Trustees
- 31.106 Powers of the Authority
- 31.107 Fiscal year; adoption of budget
- 31.108 Downtown development tax
- 31.109 Publication, recording, and filing
- 31.110 Effective date

Tax Increment Finance Authority

- 31.125 Title
- 31.126 Definitions
- 31.127 Determination of necessity
- 31.128 Creation of Authority
- 31.129 Description of Tax Increment Districts
- 31.130 Board of Trustees
- 31.131 Powers of the Authority
- 31.132 Fiscal year; adoption of budget
- 31.133 Publication, recording, and filing
- 31.134 Effective date

Cross-reference:

City Officials, see Ch. 30
Fire Department, see §§ 90.25 et seq.
Zoning Board of Appeals, see §§ 152.215 et seq.

FESTIVAL COMMISSION

§ 31.015 GENERALLY.

summer festival.
(1997 Code, § 2300) (Ord. passed 1-24-2005)

§ 31.016 ESTABLISHMENT.

(A) The Brown City Festival Committee is hereby dissolved, and there is by this subchapter established in and for the City of Brown City a Brown City Festival Commission.

(B) Individuals who served as members of the Brown City Festival Committee shall continue to serve as Brown City Festival Commissioners in accordance with §§ 31.017 and 31.018.

(C) Should the Brown City Festival Commission desire to change the name of the Commission or make other changes to this subchapter once enacted, they must petition the City Council by formal resolution to amend this subchapter.
(1997 Code, § 2301) (Ord. passed 1-24-2005)

§ 31.017 COMPOSITION.

(A) (1) The Brown City Festival Commission shall itself be responsible for the recruitment, appointment, and replacement of Commissioners.

(2) Prospective Commissioners shall be recommended by the Chairperson and appointed with the consent of a majority of current Commissioners.

(B) Total number of Commissioners shall be set by resolution of the Commission.

(C) A quorum shall consist of 50% plus 1 of the total number of appointed Commissioners.

(D) (1) Offices shall be established by resolution of the Commission, and at a minimum consist of a Chairperson, Secretary or Clerk, and Treasurer.

(2) A Commissioner may hold more than 1 office.

(3) Officers shall be selected by a majority vote of the Commissioners during a regular or special public meeting of the Commission.

(6) The Commission shall, to the extent

(E) Commissioners may be removed from the Commission either by written resignation, a majority vote of the Commissioners, or based on a policy set by resolution of the Commission.
(1997 Code, § 2302) (Ord. passed 1-24-2005)

§ 31.018 TERMS OF OFFICE.

(A) Term of office shall last from time of appointment until removal under § 31.017(E).

(B) Officers shall be affirmed by a majority vote of the Commissioners at the first meeting of each calendar year in which they are operational.
(1997 Code, § 2303) (Ord. passed 1-24-2005)

§ 31.019 MEETINGS; DUTIES.

(A) The Brown City Festival Commission shall meet as the circumstances require, as determined by the Chairperson of the Commission or their designee.

(B) The duties of the Commission shall include for those years in which the Brown City Festival takes place, but not be limited to:

(1) Planning appropriate to the dates, activities, and advertising;

(2) Managing the scheduling, advertising, locations, events, activities, and volunteers;

(3) Ensuring appropriate clean-up and adequate sanitation facilities;

(4) Coordinating with local public safety agencies for crowd and traffic control, and other public safety issues;

(5) Coordinating with the City of Brown City for scheduling, public works support, insurance, and any other issues that require permitting or administrative assistance; and

practicable, permit all interested persons to

participate.
(1997 Code, § 2304) (Ord. passed 1-24-2005)

§ 31.020 BUDGET.

(A) The Commission shall be responsible for all fundraising activities associated with the Brown City Festival.

(B) The Commission shall prepare an annual budget for those years in which the Brown City Festival takes place, and present the request to the City Council for approval not later than the first Tuesday in March of each year they are operational.

(C) The budget shall be based on existing funds available, and projected revenues and expenditures.

(D) The budget shall be in a format approved by the City Council.

(E) The projected costs shall not exceed anticipated revenues.

(F) Other than annual approval by the City Council, the Commission is responsible for all budget matters to include expenses incurred.
(1997 Code, § 2305) (Ord. passed 1-24-2005)

§ 31.021 MINUTES.

(A) The Commission shall keep minutes of meetings and of actions taken and shall submit the minutes to the City Clerk who shall distribute them to the Mayor and Council in the same manner as that of other Commission and Committee meetings.

(B) Minutes shall also include the date and location of the next scheduled meeting.
(1997 Code, § 2306) (Ord. passed 1-24-2005)

§ 31.022 DUTIES OF THE COUNCIL REPRESENTATIVE.

(A) The City Council has the option to appoint 1 of its members to the Commission or another individual.

(B) A Councilmember or individual so appointed shall provide liaison between Council and the Commission.
(1997 Code, § 2307) (Ord. passed 1-24-2005)

§ 31.023 DUTIES OF THE CITY MANAGER.

(A) The City Manager shall serve as a non-voting, ex officio member of the Commission.

(B) The City Manager shall provide appropriate coordination between the Commission and the City staff, to include public safety, public works, and administration.
(1997 Code, § 2308) (Ord. passed 1-24-2005)

§ 31.024 EFFECTIVE DATE.

This subchapter shall take effect 30 days after adoption.
(1997 Code, § 2309) (Ord. passed 1-24-2005)

HOMECOMING COMMISSION

§ 31.035 GENERALLY.

This is a subchapter establishing the Brown City Homecoming Commission, and appointing Commissioners, for the purpose of planning, managing, financing, and insuring the quinquennial Homecoming Festival.
(1997 Code, § 2350) (Ord. passed 1-24-2005)

§ 31.036 ESTABLISHMENT.

(A) The Brown City Homecoming Committee is hereby dissolved, and there is by this subchapter established in and for the City of Brown City a Brown City Homecoming Commission.

(B) Individuals who served as members of the Brown City Homecoming Committee shall continue to serve as Brown City Homecoming Commissioners in accordance with this subchapter.

(C) Should the Brown City Homecoming Commission desire to change the name of the Commission or make other changes to this subchapter once enacted, they must petition the City Council by formal resolution to amend this subchapter.
(1997 Code, § 2351) (Ord. passed 1-24-2005)

§ 31.037 COMPOSITION.

(A) (1) The Brown City Homecoming Commission shall itself be responsible for the recruitment, appointment, and replacement of Commissioners.

(2) Prospective Commissioners shall be recommended by the Chairperson and appointed with the consent of a majority of current Commissioners.

(B) Total number of Commissioners shall be set by resolution of the Commission.

(C) A quorum shall consist of 50% plus 1 of the total number of appointed Commissioners.

(D) (1) Offices shall be established by resolution of the Commission, and at a minimum consist of a Chairperson, Secretary or Clerk, and Treasurer.

(2) A Commissioner may hold more than 1 office.

(3) Officers shall be selected by a majority vote of the Commissioners during a regular or special public meeting of the

Commission.

(E) Commissioners may be removed from the Commission either by written resignation, a majority vote of the Commissioners, or based on a policy set by resolution of the Commission.
(1997 Code, § 2352) (Ord. passed 1-24-2005)

§ 31.038 TERMS OF OFFICE.

(A) Term of office shall last from time of appointment until removal under § 31.037(E).

(B) Officers shall be affirmed by a majority vote of the Commissioners at the first quinquennial meeting.
(1997 Code, § 2353) (Ord. passed 1-24-2005)

§ 31.039 MEETINGS; DUTIES.

(A) The Brown City Homecoming Commission shall meet as the circumstances require, as determined by the Chairperson of the Commission or their designee.

(B) The duties of the Commission shall include for those years in which the Brown City Homecoming takes place, but not be limited to:

(1) Planning appropriate to the dates, activities, and advertising;

(2) Managing the scheduling, advertising, locations, events, activities, and volunteers;

(3) Ensuring appropriate clean-up and adequate sanitation facilities;

(4) Coordinating with local public safety agencies for crowd and traffic control, and other public safety issues;

(5) Coordinating with the City of Brown City for scheduling, public works support, insurance, and any other issues that require permitting or administrative assistance; and

(6) The Commission shall, to the extent practicable, permit all interested persons to participate.

(1997 Code, § 2354) (Ord. passed 1-24-2005)

§ 31.040 BUDGET.

(A) The Commission shall be responsible for all fundraising activities associated with the Brown City Homecoming.

(B) The Commission shall prepare a budget for those years in which the Brown City Homecoming takes place, and present the request to the City Council for approval not later than the first Tuesday in March of each year they are operational.

(C) The budget shall be based on existing funds available, and projected revenues and expenditures.

(D) The budget shall be in a format approved by the City Council.

(E) The projected costs shall not exceed anticipated revenues.

(F) Other than annual approval by the City Council, the Commission is responsible for all budget matters to include expenses incurred.
(1997 Code, § 2355) (Ord. passed 1-24-2005)

§ 31.041 MINUTES.

(A) The Commission shall keep minutes of meetings and of actions taken and shall submit the minutes to the City Clerk who shall distribute them to the Mayor and Council in the same manner as that of other Commission and Committee meetings.

(B) Minutes shall also include the date and location of the next scheduled meeting.
(1997 Code, § 2356) (Ord. passed 1-24-2005)

§ 31.042 DUTIES OF THE COUNCIL REPRESENTATIVE.

(A) The City Council has the option to appoint 1 of its members to the Commission or another individual.

(B) A Councilmember or individual so appointed shall provide liaison between Council and the Commission.

(1997 Code, § 2357) (Ord. passed 1-24-2005)

§ 31.043 DUTIES OF THE CITY MANAGER.

(A) The City Manager shall serve as a non-voting, ex officio member of the Commission.

(B) The City Manager shall provide appropriate coordination between the Commission and the City staff, to include public safety, public works, and administration.

(1997 Code, § 2358) (Ord. passed 1-24-2005)

§ 31.044 EFFECTIVE DATE.

This subchapter shall take effect 30 days after adoption.

(1997 Code, § 2359) (Ord. passed 1-24-2005)

TAX BOARD OF REVIEW

§ 31.055 GENERALLY.

(A) In lieu of the provisions of the City Charter establishing the composition of the Board of Review, the Tax Board of Review shall hereafter be established in the same manner and for the same purposes as a township board of review, pursuant to Public Act 206 of 1893, being MCL 211.30, as the same may be amended from time to time, and which presently provides as follows.

(B) (1) The City Council shall appoint 3, 6, or 9 electors of the City, who shall constitute a Board of Review for the City.

(2) If 6 or 9 members are appointed, the membership of the Board of Review shall be divided into Board of Review committees, consisting of 3 members each to hear and decide issues protested to the Board of Review.

(3) Two of the 3 members of a Board of Review committee shall constitute a quorum for the transaction of business of the committee.

(4) All meetings of the members of the Board of Review and its committees shall be held during the same hours of the same day at the same location.

(C) (1) A majority of the entire Board of Review membership shall endorse the assessment roll.

(2) The duties and responsibilities of the Board, except as otherwise provided herein, shall be carried out by the entire membership of the Board of Review, and a majority of the membership constitutes a quorum for those purposes.

(D) (1) (a) At least 2/3 of the members of the Board of Review shall be property taxpayers of the City.

(b) Members appointed to the Board of Review shall serve for terms of 2 years, beginning at noon on January 1 of each odd-numbered year.

(2) Each member of the Board of Review shall qualify by taking a constitutional oath of office within 10 days after appointment.

(3) The City Council may fill any vacancy that shall occur in the membership of the Board of Review.

(4) A member of the City Council shall not be eligible to serve on the Board or to fill any vacancy.

(5) A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the Assessor is not eligible to serve on the Board or to fill any vacancy.

(6) A majority of the Board of Review constitutes a quorum for the transaction of business, but a lesser number may adjourn, and a majority vote of those present shall decide all questions.

(7) At least 2 members of a 3-member Board of Review shall be present to conduct any business or hearings of the Board of Review.

(E) (1) It is not intended by this section to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or with any rules or regulations previously adopted or issued or which shall be adopted or issued, including the City Charter, except as to those provisions prescribing the size, composition, and manner of appointment of the Tax Board of Review, which are repealed to the extent of any conflict herewith.

(2) That provision of the City Charter establishing the time and manner of performance of duties of the Board of Review is specifically not repealed, and shall remain in full force and effect unless hereafter modified.

(1997 Code, § 2400) (Ord. passed 2-27-1995)

HOUSING COMMISSION

§ 31.085 GENERALLY.

(A) A Housing Commission is hereby established in and for the City, pursuant to the authority of Public Act 18 of 1933 (Extra Session), being MCL 125.651 *et seq.*, as amended, of the State of Michigan.

(1) The Commission shall be known as “The Housing Commission of the City of Brown City.”

(2) The Housing Commission of the City of Brown City shall have and exercise all powers granted pursuant to Public Act 18 of 1933 (Extra Session), being MCL 125.651 *et seq.*, as amended, including, but not limited to, the power to purchase, acquire, construct, maintain, operate, improve, extend, or repair housing facilities, and to eliminate housing conditions detrimental to the public welfare.

(3) All deeds, contracts, leases, and purchases entered into by the Commission shall be in the name of the City, and shall be approved by the City Council. Contracts for the purchase of necessary materials, leases with tenants, and options need not be so approved.

(5) The Housing Commission shall consist of 3 members, 1 member to be appointed from the City Council, Planning Commission and Downtown Development Authority by the Mayor. The term of office of members of the Commission shall coincide with their respective elected or appointed terms.

(6) Members of the Commission may be removed from office at the discretion of the Mayor.

(7) Any vacancy in office shall be filled by appointment by the Mayor for the remainder of the unexpired term.

(B) Members of the Commission shall serve without compensation, but may receive compensation for reasonable expenses. (1997 Code, § 13.200) (Ord. passed 9-10-1979)

DOWNTOWN DEVELOPMENT AUTHORITY

§ 31.100 TITLE.

This subchapter shall be known and may be cited as the "Downtown Development Authority

Ordinance." (Ord. 81.9A, passed 8-10-1981)

§ 31.101 DEFINITIONS.

The terms used in this subchapter shall have the same meaning as given to them in Public Act 197 of 1974 being MCL 125.1651 - 125.1681, or as hereinafter in this section provided, unless the context clearly indicates to the contrary.

ACT 197. Public Act 197 of 1974 being MCL 125.1651 - 125.1681, as now in effect or hereafter amended.

AUTHORITY. The Brown City Downtown Development Authority created by this subchapter.

BOARD or **BOARD OF TRUSTEES.** The **BOARD OF TRUSTEES** of the Authority, the governing body of the Authority.

CHIEF EXECUTIVE OFFICER. The City Manager.

CITY. The City of Brown City, Michigan.

COUNCIL or **CITY COUNCIL.** The City Council.

DOWNTOWN DEVELOPMENT TAX. The tax authorized by this subchapter, pursuant to Public Act 197 of 1974 being MCL 125.1651 - 125.1681, to be imposed by the Authority in the downtown area.

DOWNTOWN DISTRICT. The **DOWNTOWN DISTRICT** designated by this subchapter, as now existing or hereafter amended. (Ord. 81.9A, passed 8-10-1981)

§ 31.102 DETERMINATION OF NECESSITY.

The City Council hereby determines that it is necessary for the best interests of the City to halt property value deterioration and increase property tax valuation, where possible in the business district of the City, to eliminate the causes of that deterioration and to promote economic growth by establishing a downtown development authority pursuant to Public Act 197 of 1974 being MCL 125.1651 - 125.1861.

(Ord. 81.9A, passed 8-10-1981)

§ 31.103 CREATION OF AUTHORITY.

(A) There is hereby created pursuant to Public Act 197 of 1974 being MCL 125.1651 - 125.1861 a Downtown Development Authority for the City.

(B) The Authority shall be a public body corporate, and shall be known to and exercise its powers under title of "Brown City Downtown Development Authority."

(C) The Authority may adopt a seal, may sue and be sued in any court of this state, and shall possess all of the powers necessary to carry out the purpose of its incorporation, as provided by this subchapter and Public Act 197 of 1974 being MCL 125.1651 - 125.1861.

(D) The enumeration of a power in this subchapter or in Public Act 197 of 1974 being MCL 125.1651 - 125.1861 shall not be construed as a limitation upon the general powers of the Authority. (Ord. 81.9A, passed 8-10-1981)

§ 31.104 DESCRIPTION OF DOWNTOWN DISTRICT.

The Downtown District in which the Authority shall exercise its powers, as provided by Public Act 197 of 1974 being MCL 125.1651 - 125.1861, shall consist of the territory in the City, subject to the changes as may hereinafter be made pursuant to this subchapter and Public Act 197 of 1974 being MCL 125.1651 - 125.1861. The boundaries of the DDA District shall be as depicted in Appendix I. (Ord. 81.9A, passed 8-10-1981)

§ 31.105 BOARD OF TRUSTEES.

(A) The Authority shall be under supervision and control of a Board of Trustees, consisting of the chief executive officer of the City, and 8 to 12 members as provided by Public Act 197 of 1974 being MCL 125.1651 - 125.1861.

(B) All members shall be appointed by the chief executive officer, subject to approval by the Council, and shall hold office for the terms provided in Public Act 197 of 1974 being MCL 125.1651 - 125.1861.

(C) All members shall hold office until the member's successor is appointed. (Ord. 81.9A, passed 8-10-1981)

§ 31.106 POWERS OF THE AUTHORITY.

Except as specifically otherwise provided in this subchapter, the Authority shall have all powers provided by law, subject to the limitations imposed by law and herein.

(Ord. 81.9A, passed 8-10-1981)

§ 31.107 FISCAL YEAR; ADOPTION OF BUDGET.

(A) The fiscal year of the Authority shall begin on April 1 of each year, and end on March 31 of the following year, or the other fiscal year as may hereafter be adopted by the City.

(B) The Board shall annually prepare a budget and shall submit it to the Council, on the same date that the proposed budget for the City is required by the City Charter to be submitted to the Commission.

(C) The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Council.

(D) The Board may, however, temporarily adopt a budget in connection with the operation of any improvements that have been financed by revenue bonds, where required to do so by the

ordinance authorizing the revenue bonds.

(E) The Authority shall submit financial

(F) The Authority shall be audited annually by the same independent auditors auditing the City, and copies of the audit report shall be filed with the Commission.

(Ord. 81.9A, passed 8-10-1981)

§ 31.108 DOWNTOWN DEVELOPMENT TAX.

(A) (1) The Authority is hereby authorized by the City to impose an ad valorem tax on all taxable property in the Downtown District for the purposes provided by Public Act 197 of 1974 being MCL 125.1651 - 125.1681.

(2) The tax shall not exceed 2 mills on the value of taxable property in the Downtown District as finally equalized.

(B) (1) In order to impose the tax, the Board shall include in its budget each year an estimate of the amount necessary to be raised from the downtown development tax.

(2) The amount of tax imposed shall not exceed the amount necessary, as estimated in the budget and approved by the City Council.

(3) The Board shall certify to the proper tax assessing official of the City the amount so determined, in the same manner and at the same time as general City taxes are certified for collection.

(C) (1) The City shall collect the downtown development tax at the same time and in the same manner as other City taxes are collected.

(2) The tax shall be paid to the Treasurer of the Authority, and credited to the general fund of the Authority for the purpose provided by Public Act 197 of 1974 being MCL 125.1651 - 125.1681. (Ord. 81.9A, passed 8-10-1981)

§ 31.109 PUBLICATION, RECORDING, AND FILING.

reports to the Council at the same time and on the same basis as departments of the City are required to submit reports.

This subchapter shall be published once after its adoption in full in the Brown City Banner, a newspaper of general circulation in the City of Brown City, and the City Clerk shall file a certified copy of this subchapter with the Michigan Secretary of State promptly after its adoption. (Ord. 81.9A, passed 8-10-1981)

§ 31.110 EFFECTIVE DATE.

This subchapter shall take effect on 8-10-1981, following adoption thereof and after publication as required by the City Charter. (Ord. 81.9A, passed 8-10-1981)

TAX INCREMENT FINANCE AUTHORITY

§ 31.125 TITLE.

This subchapter shall be known and may be cited as the "Tax Increment Finance Authority Ordinance." (Ord. 15, passed 8-10-1981)

§ 31.126 DEFINITIONS.

The terms used in this subchapter shall have the same meaning as given to them in Public Act 450 of 1980 being MCL 125.1801 - 125.1830, or as hereinafter in this section provided, unless the context clearly indicates to the contrary.

ACT 450. Public Act 450 of 1980 being MCL 125.1801 - 125.1830, as now in effect or hereafter amended.

AUTHORITY. The Brown City Tax Increment Authority created by this subchapter.

BOARD or BOARD OF TRUSTEES. The **BOARD OF TRUSTEES** of the Authority, the governing body of the Authority.

CHIEF EXECUTIVE OFFICER. The City Manager.

COUNCIL or **CITY COUNCIL.** The City Council.

DISTRICT. The **DISTRICT** designated by this subchapter as now existing or hereafter amended. (Ord. 15, passed 8-10-1981)

§ 31.127 DETERMINATION OF NECESSITY.

The City Council hereby determines that it is necessary for the best interests of the City to halt property value deterioration and increase property tax valuation, where possible in the economic districts of the City, to eliminate the causes of that deterioration and to promote economic growth by establishing a tax increment authority pursuant to Public Act 450 of 1980 being MCL 125.1801 - 125.1830. (Ord. 15, passed 8-10-1981)

§ 31.128 CREATION OF AUTHORITY.

(A) There is hereby created pursuant to Public Act 450 of 1980 being MCL 125.1801 - 125.1830 a Tax Increment Authority for the City.

(B) The Authority shall be a public body corporate, and shall be known and exercise its powers under title of "Brown City Tax Increment Authority."

(C) The Authority may adopt a seal, may sue and be sued in any court of this state, and shall possess all of the powers necessary to carry out the purpose of its incorporation, as provided by this subchapter and Public Act 450 of 1980 being MCL 125.1801 - 125.1830.

(D) The enumeration of a power in this subchapter or in Public Act 450 of 1980 being MCL 125.1801 - 125.1830 shall not be construed as a limitation upon the general powers of the Authority. (Ord. 15, passed 8-10-1981)

CITY. The City of Brown City, Michigan.

§ 31.129 DESCRIPTION OF TAX INCREMENT DISTRICTS.

The Tax Increment Districts in which the Authority shall exercise its powers, as provided by Public Act 450 of 1980 being MCL 125.1801 - 125.1830, shall consist of the territory in the City, subject to the changes as may hereinafter be made pursuant to this subchapter and Public Act 450 of 1980 being MCL 125.1801 - 125.1830. (Ord. 15, passed 8-10-1981)

§ 31.130 BOARD OF TRUSTEES.

(A) The Authority shall be under supervision and control of a Board of Trustees, consisting of the chief executive officer of the City, and 8 to 12 members as provided by Public Act 450 of 1980 being MCL 125.1801 - 125.1830.

(B) All members shall be appointed by the chief executive officer, subject to approval by the Council, and shall hold office for the terms provided in Public Act 450 of 1980 being MCL 125.1801 - 125.1830.

(C) All members shall hold office until the member's successor is appointed. (Ord. 15, passed 8-10-1981)

§ 31.131 POWERS OF THE AUTHORITY.

Except as specifically otherwise provided in this subchapter, the Authority shall have all powers provided by law, subject to the limitations imposed by law and herein. (Ord. 15, passed 8-10-1981)

§ 31.132 FISCAL YEAR; ADOPTION OF BUDGET.

(A) The fiscal year of the Authority shall begin on April 1 of each year, and end on March 31 of the following year, or the other fiscal year as may hereafter be adopted by the City.

(B) (1) The Board shall annually prepare a budget and shall submit it to the Council, on the same date that the proposed budget for the City is required by the City Charter to be submitted to the Commission.

(2) The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the City Council.

(3) The Board may, however, temporarily adopt a budget in connection with the operation of any improvements that have been financed by revenue bonds, where required to do so by the ordinance authorizing the revenue bonds.

(C) (1) The Authority shall submit financial reports to the Council at the same time and on the same basis as City departments are required to submit reports.

(2) The Authority shall be audited annually by the same independent auditors auditing the City, and copies of the audit report shall be filed with the Council.
(Ord. 15, passed 8-10-1981)

§ 31.133 PUBLICATION, RECORDING, AND FILING.

This subchapter shall be published once after its adoption in full in the Brown City Banner, a newspaper of general circulation in the City of Brown City, and the City Clerk shall file a certified copy of the subchapter with the Michigan Secretary of State promptly after its adoption.
(Ord. 15, passed 8-10-1981)

§ 31.134 EFFECTIVE DATE.

This subchapter shall take effect on 8-10-1981, following adoption hereof and after publication as required by the City Charter.
(Ord. 15, passed 8-10-1981)

CHAPTER 32: FINANCE; REVENUE; TAXATION; ASSESSMENTS

Section

- Special Assessment Procedure***
- 32.01 Definitions
 - 32.02 General authority for assessments
 - 32.03 Initiation of proceedings; by petition of property owners
 - 32.04 Initiation of proceedings; by City Council
 - 32.05 City Manager’s investigation and report
 - 32.06 Tentative determination by Council; direction to prepare assessment roll
 - 32.07 Filing of assessment roll; fixing time for and giving notice of public hearing
 - 32.08 Conduct of hearing; additional hearing(s) required for certain changes
 - 32.09 Action by Council following public hearing; finality of assessment roll
 - 32.10 Required vote in case of objections
 - 32.11 Creation of lien; when due; installment payments
 - 32.12 Collection
 - 32.13 Fees and interest
 - 32.14 Additional assessments
 - 32.15 Refunds
 - 32.16 Division of lots after confirmation of assessment
 - 32.17 Assessment defects
 - 32.18 Additional procedure
 - 32.19 Single lot assessments; generally
 - 32.20 Single lot assessments; use for recovery of cost of abating public nuisances and hazards
 - 32.21 Procedure for collection of expenses incurred by City which are assessable against private

- property
- 32.22 Method of service of notices where certain expenses incurred by City are assessable against private property
- 32.23 Remedies cumulative
- 32.24 Effective date

SPECIAL ASSESSMENT PROCEDURE

§ 32.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COST. When referring to the ***COST*** of any public improvement, shall include the ***COST*** of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction and legal fees, and all other ***COST*** incidental to the making of the improvement, the special assessments therefor and the financing thereof.

PUBLIC IMPROVEMENT. Any public work or ***PUBLIC IMPROVEMENT*** for which any part of the cost is to be assessed against 1 or more lots or parcels to be specially benefitted thereby. (1997 Code, § 15.100) (Ord. passed 12-9-1996)

§ 32.02 GENERAL AUTHORITY FOR ASSESSMENTS.

The following requirements supplement Article IX Special Assessment of the City Charter. The entire cost, and expense or any part thereof, of all public improvements may be defrayed by special assessment upon the lands specially benefitted by the improvement, in the manner provided in this subchapter.

(1997 Code, § 15.200) (Ord. passed 12-9-1996)

§ 32.03 INITIATION OF PROCEEDINGS; BY PETITION OF PROPERTY OWNERS.

(A) Initiation of public improvements may be by petition to the City Council, signed by property owners whose property is subject to being benefitted.

(B) The petition shall be printed on forms approved by the City Attorney, and shall set forth the location, extent, and character of the desired public improvement.

(C) All petitions for public improvements shall be referred to the City Manager for report and recommendation.

(D) After receiving the City Manager's report and recommendation, the City Council shall proceed in the same manner as provided herein for public improvements initiated by the City Council.

(1997 Code, § 15.300) (Ord. passed 12-9-1996)

§ 32.04 INITIATION OF PROCEEDINGS; BY CITY COUNCIL.

Proceedings for making public improvements, and defraying the entire cost or any part thereof by special assessment, may be initiated by resolution of the City Council.

(1997 Code, § 15.400) (Ord. passed 12-9-1996)

§ 32.05 CITY MANAGER'S INVESTIGATION AND REPORT.

(A) Whenever the City Council shall determine to make any public improvement, and defray the entire cost and expense thereof or any

part thereof by special assessment, it shall, by resolution, direct the City Manager to make an investigation of the proposed public improvement, and to report the Manager's findings to the Council.

(B) The City Manager's report shall include an analysis of the estimated cost of the proposed public improvement, and plans and specifications for the public improvement. There shall also be included recommendations as to the following:

(1) The portion of the cost to be borne by the special assessment district, and the portion, if any, to be borne by the City at large;

(2) The extent of the improvement and boundaries of the district;

(3) The number of installments in which assessments may be paid; and

(4) Any other facts or recommendations that will aid the Council in determining whether the improvement shall be made, and how the same shall be financed.

(1997 Code, § 15.500) (Ord. passed 12-9-1996)

§ 32.06 TENTATIVE DETERMINATION BY COUNCIL; DIRECTION TO PREPARE ASSESSMENT ROLL.

(A) Upon receipt of the City Manager's report, if the Council shall determine to proceed with the improvement, it shall, by resolution, accept the report and direct the filing of the same.

(B) In addition, by the resolution, the Council shall tentatively determine to proceed with the public improvement, tentatively determine the necessity thereof, and set forth the nature thereof, tentatively designate the limits of the special assessment district to be affected, and describe the lands to be assessed, tentatively determine the part or portion of the cost of the public improvements to be paid by the lands specially benefitted thereby, and the part or proportion, if any, to be paid by the City at large for benefit to the City at large.

(C) The City Council shall direct the City Assessor to make a special assessment roll of the part or proportion of the cost to be borne by the lands specially benefitted, according to the benefits received, and to report the same to the Council.
(1997 Code, § 15.600) (Ord. passed 12-9-1996)

**§ 32.07 FILING OF ASSESSMENT ROLL;
FIXING TIME FOR AND GIVING NOTICE OF
PUBLIC HEARING.**

(A) When the special assessment roll has been reported to the Council, it shall order the same filed in the office of the City Manager, for public examination along with the report of the City Manager required to be made pursuant to §§ 32.05 or 32.06, and shall fix a date, time, and place when the Council shall meet to finally determine the necessity of the improvement, composition of the district, to review the roll, and to hear complaints.

(B) The City Manager's report and the assessment roll shall be open to public inspection for a period of 7 days before the hearing required by this section.

(C) The City Clerk shall give notice of the hearing set by the Council to:

(1) Determine the necessity for the improvement and composition of the district;

(2) Review the special assessment roll;
and

(3) Hear complaints.

(D) The City Clerk shall give notice by publication at least once in a newspaper, printed and circulated in the City at least 10 days prior to the time of the meeting.

(E) The City Clerk shall further cause notice of the meeting to be mailed by first-class mail to each property owner in the special assessment district, as shown by the current assessment rolls of the City, at least 10 days prior to the time of the hearing.

(F) The notice shall be mailed to the names and addresses shown on the current assessment rolls of the City.

(G) The notice shall state that the plans and special assessment rolls are on file with the City Clerk.

(H) The notice shall further state the estimated cost of the proposed special assessment to that property owner.
(1997 Code, § 15.700) (Ord. passed 12-9-1996)

**§ 32.08 CONDUCT OF HEARING;
ADDITIONAL HEARING(S) REQUIRED FOR
CERTAIN CHANGES.**

(A) At the time and place appointed, or at any adjourned meeting thereof, the Council shall meet, hear, and consider any objections to:

(1) A proposed public improvement;

(2) The special assessment district; and

(3) The special assessment roll therefor.

(B) The Council may revise, correct, or amend the plans, estimates of cost, special assessment district, and special assessment roll.

(C) If any changes are made that result in additions to the special assessment district, or increases in the special assessment roll, then an additional hearing(s) shall be held with respect to the changes.

(D) Notices of the hearing shall be given in the same manner as required for the first hearing.
(1997 Code, § 15.800) (Ord. passed 12-9-1996)

**§ 32.09 ACTION BY COUNCIL FOLLOWING
PUBLIC HEARING; FINALITY OF
ASSESSMENT ROLL.**

(A) After the hearing, or additional hearing(s) if required, the Council may, by resolution:

(1) Determine to proceed with the public

improvement;

- (2) Set forth the nature thereof;
- (3) Designate the limits of the special assessment district to be affected;
- (4) Describe the lands to be assessed;
- (5) Determine the part or proportion of the cost of the public improvement to be paid by the lands specially benefitted thereby; and
- (6) Determine the part or portion, if any, to be paid by the City at large for its benefit.

(B) The Council may also confirm the special assessment roll with the corrections as it may have made, if any; or may refer it back to the City Assessor for revision; or may annul it or any proceedings in connection therewith.

(1) The City Clerk shall endorse the date of confirmation upon each special assessment roll.

(2) Upon ratification and confirmation, the roll shall be final and conclusive.
(1997 Code, § 15.900) (Ord. passed 12-9-1996)

§ 32.10 REQUIRED VOTE IN CASE OF OBJECTIONS.

If at or prior to the hearing by the City Council, the owners of more than ½ of the property to be assessed based upon the basis of assessment, such as frontage, shall object in writing to the improvement, assessment shall not be made without an affirmative vote of 5 of the Council elect.
(1997 Code, § 15.1000) (Ord. passed 12-9-1996)

§ 32.11 CREATION OF LIEN; WHEN DUE; INSTALLMENT PAYMENTS.

(A) All special assessments contained in any special assessment roll, including any part thereof to be paid in installments, shall, from the date of confirmation of the roll, constitute a lien upon the

(B) The City Treasurer, or his or her designee, shall mail statements of the several assessments to the respective owners of the

respective lots or parcels of land assessed and, until paid, shall be a charge against the respective owners of the several lots and parcels of land, as a debt to the City from the persons to whom they are assessed.

(B) The lien shall be of the same character and effect as the lien created by the Fourth Class Cities Act for City taxes, and shall include accrued interest and fees.

(C) No judgment or decree, nor act of the Council vacating the special assessment, shall destroy or impair the lien of the City upon the premises assessed for the amount of the assessment as may be equitably charged against the same or as, by a regular mode of proceeding, might be lawfully assessed thereon.

(D) All special assessments shall become due upon confirmation of the special assessment roll or in annual installments, not to exceed 20 in number, as the Council may determine at the time of confirmation.

(1) If in annual installments, the Council may determine the first installment to be due upon confirmation or upon any other date the Council may prescribe, and the subsequent installments annually thereafter.

(2) Deferred installments shall bear interest at the rate as the Council may prescribe, but not to exceed the percentage of interest that the City is paying for this special assessment project.
(1997 Code, § 15.1100) (Ord. passed 12-9-1996)

§ 32.12 COLLECTION.

(A) Whenever any special assessment roll shall be confirmed and be payable, the Council shall direct the City Clerk to transmit it to the City Treasurer for collection.

several lots and parcels of land assessed, as indicated by the records of the City Assessor, stating the amount of the assessment and the

manner in which it may be paid; provided, however, failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment; providing 10 days from the date of any late mailing, within which payment may be made, and all or a portion of the penalty and interest may be waived for that portion of the delinquency and interest, if any, caused by the late mailing only.

(C) The whole or any part of the assessment may be paid in full at any time after the date of confirmation of the special assessment roll, until the time as the council shall prescribe, without interest or penalty.

(D) Each special assessment shall be collected by the City Treasurer, with the same rights and remedies as provided for the collection of taxes, except as otherwise herein provided.

(E) All collection fees shall belong to the City and be collectible in the same manner as the collection fee for City taxes.
(1997 Code, § 15.1200) (Ord. passed 12-9-1996)

§ 32.13 FEES AND INTEREST.

After the expiration of the period provided for in § 32.12 for payment without interest or fees, any installment may be discharged, by paying the face amount thereof, together with fees and interest thereon, from the date of confirmation to the date of payment.
(1997 Code, § 15.1300) (Ord. passed 12-9-1996)

§ 32.14 ADDITIONAL ASSESSMENTS.

Should the assessments on any special assessment roll, including the amount assessed to the City at large, prove insufficient for any reason to pay the cost of the improvement for which they were made, then the Council may make additional pro rata assessments to supply the deficiency against the City and the several lots and parcels of land, in the same ratio as the original assessments, but the total amount assessed against any lot or parcel of land shall not exceed

the value of the benefits received from the improvement.
(1997 Code, § 15.1400) (Ord. passed 12-9-1996)

§ 32.15 REFUNDS.

(A) Should the special assessment, or the proceeds of sale of any special assessment bonds, prove larger than necessary to meet the costs of the improvement, or to meet the principal and interest requirements of any special assessment bonds and expenses incidental thereto, the excess shall be placed in the City Treasury.

(B) If 5% or more, the excess shall be returned pro rata, according to the assessments, except as otherwise specifically provided.

(C) No refunds may be made which contravene the provisions of any evidence of indebtedness secured in whole or in part by the special assessments.
(1997 Code, § 15.1500) (Ord. passed 12-9-1996)

§ 32.16 DIVISION OF LOTS AFTER CONFIRMATION OF ASSESSMENT.

(A) Should any lots or lands be divided, after a special assessment thereon has been confirmed and divided into installments, the City Assessor shall apportion the uncollected amounts upon the several lots and lands so divided, and shall enter the several amounts as amendments upon the special assessment roll.

(B) Within 10 days after the apportionment, the City Treasurer shall send notice of the action to the persons concerned, at their last known addresses, by first-class mail.

(C) The apportionment shall be final and conclusive on all parties, unless protest in writing is received by the City Treasurer within 20 days of the mailing of the aforesaid notice.

(D) The name and address of the persons shall be those set forth on the current assessment rolls of the City.
(1997 Code, § 15.1600) (Ord. passed 12-9-1996)

§ 32.17 ASSESSMENT DEFECTS.

(A) Whenever the Council deems any special assessment invalid or defective, or whenever a court adjudges an assessment to be illegal, in whole or in part, the Council may cause a new assessment to be levied for the same purpose, whether or not the improvement, or any part thereof, has been completed, or any part of the special assessment collected.

(B) All proceedings on the reassessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment.

(C) If any portion of the original special assessment is collected and not refunded, it shall be applied upon the reassessment, and the reassessment shall, to that extent, be deemed satisfied.

(D) If more than the amount reassessed is collected, the balance shall be refunded to the person making the payment.

(E) If in any action it shall appear that, by reason of any irregularities or informalities, the assessment has not been properly made against the person assessed or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the City that is a proper charge against the person assessed or the lot or premises in question, render judgment for the amount properly chargeable against the person or upon the lot or premises.
(1997 Code, § 15.1700) (Ord. passed 12-9-1996)

§ 32.18 ADDITIONAL PROCEDURE.

In any case where the provisions of this subchapter may prove to be insufficient to carry into full effect the making of any improvement, or the special assessment therefor, the City Council may provide any additional steps or procedure required to effect the improvement by special assessment, in the resolution declaring the determination of the City Council to make the

improvement in the first instance.
(1997 Code, § 15.1800) (Ord. passed 12-9-1996)

§ 32.19 SINGLE LOT ASSESSMENTS; GENERALLY.

(A) When any expense shall be incurred by the City upon, or in respect to, any separate or single lot, parcel of land or premises, which, by the provisions of any state law or City ordinance, the Council is authorized to charge and collect as a single lot special assessment against the same, and which is not of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which the expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, shall be reported to the City Council in a manner it prescribes.

(1) The accounting reported to the Council shall include a description of the lot or premises on, or in respect to, which the expense was incurred, the name of the owner or person chargeable therewith, and the cost of labor or services performed.

(2) The provisions of the preceding sections of this subchapter with reference to pro rata special assessments generally, and the proceedings necessary to be had before making the improvement, shall not apply to single lot assessments contemplated in this section.

(B) After review of the single lots assessment account, the City Council shall determine what amount or part of every such reported expense shall be charged, and the premises upon which the same shall be levied as a single lot special assessment.

(1) As often as the City Council may deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises chargeable therewith respectively, to be reported by the City Clerk to the City Assessor.

(2) The City Assessor shall spread the amounts against the real property chargeable therewith on the next tax roll for the collection of general City taxes.

§ 32.20 SINGLE LOT ASSESSMENTS; USE FOR RECOVERY OF COST OF ABATING PUBLIC NUISANCES AND HAZARDS.

When any lot, building, or structure and following reasonable notice and failure of the owner(s) to abate the nuisance, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes a public hazard or nuisance that is detrimental to the health or safety of the inhabitants of the City, or of those residing or habitually going near the lot, building, or structure, and following reasonable notice and failure of owner to abate, the Council may order the hazard or nuisance abated, and the cost of the abatement assessed against the lot, premises, or description of real property upon which the hazard or nuisance was located as a single lot assessment.

(1997 Code, § 15.2000) (Ord. passed 12-9-1996)

Cross-reference:

For additional nuisance provisions, see Ch. 91:

Nuisances

§ 32.21 PROCEDURE FOR COLLECTION OF EXPENSES INCURRED BY CITY WHICH ARE ASSESSABLE AGAINST PRIVATE PROPERTY.

(A) When any expense shall have been incurred by the City, upon or in respect to any single premises, which expense is chargeable against the premises and the owner thereof, under the provisions of the Charter, any City ordinance or state law, and is not of that class required to be prorated among several lots and parcels of land in a special assessment district, an account of the labor, material or service for which the expense was incurred, with a description of the premises upon or in respect to which the expense was incurred, the name of the owner, if known, or the name appearing on the current tax roll, shall be reported to the City Manager, who shall immediately charge and bill the owner, as set forth

(1997 Code, § 15.1900) (Ord. passed 12-9-1996)

on the current tax rolls, or any other owner, if known.

(B) At the times as the Clerk may deem advisable, the City Clerk shall direct the preparation of a special assessment roll covering all the unpaid charges.

(C) The roll shall be filed in the City Clerk's office, and shall be presented to the City Council for confirmation as a single lot assessment.

(1997 Code, § 15.2100) (Ord. passed 12-9-1996)

§ 32.22 METHOD OF SERVICE OF NOTICES WHERE CERTAIN EXPENSES INCURRED BY CITY ARE ASSESSABLE AGAINST PRIVATE PROPERTY.

(A) Notice regarding sidewalk construction or repairs, dangerous structures, abating nuisances or any other act, the expense of which, if performed by the City, may be assessed against the premises under the provisions of this subchapter, shall be served:

(1) By delivering the notice to the owner personally, or by leaving the same at his or her residence, office, or place of business, with some adult person of suitable discretion;

(2) By mailing the notice, by certified or registered mail, to the property owner at his or her last known address; or

(3) If the owner is unknown, by posting the notice in some obvious place on the premises for 5 days.

(B) For purposes of this subchapter, **OWNER** shall be defined as the name and address as set forth on the current tax rolls.

(1997 Code, § 15.2200) (Ord. passed 12-9-1996)

§ 32.23 REMEDIES CUMULATIVE.

(A) After the date of confirmation of any resolution levying a special assessment, the full amount of the assessment, and all interest thereon, shall constitute a lien on the premises subject thereto.

(B) That amount shall also be a debt of the person to whom assessed until paid.

(C) In case of a delinquency, that amount may be collected as delinquent City property taxes or by a suit against the person, or by both methods until collected, or by any other lawful means, all of these being cumulative.

(1997 Code, § 15.2300) (Ord. passed 12-9-1996)

§ 32.24 EFFECTIVE DATE.

This subchapter shall be effective 21 days after adoption.

(1997 Code, § 15.2600) (Ord. passed 12-9-1996)

CHAPTER 33: PERSONNEL

Section

General Provisions

33.01 City employees; adopted by reference

Unemployment Compensation System

33.15 Adoption by reference

GENERAL PROVISIONS

§ 33.01 CITY EMPLOYEES; ADOPTED BY REFERENCE.

The City's Employee Handbook or Union Contract, as applicable, provisions are hereby adopted by reference and incorporated herein as if set out in full.
(1997 Code, § 2109) (Ord. passed 9-25-1989)

UNEMPLOYMENT COMPENSATION SYSTEM

§ 33.15 ADOPTION BY REFERENCE.

The City's unemployment compensation system provisions are hereby adopted by reference and incorporated herein as if set out in full.
(1997 Code, Ch. 11)