

TITLE III: ADMINISTRATION

Chapter

30. BOARDS AND COMMISSIONS

31. VILLAGE OFFICERS AND EMPLOYEES

32. SPECIAL ASSESSMENTS

33. DOWNTOWN DEVELOPMENT AUTHORITY

34. TAX AND FINANCE

CHAPTER 30: BOARDS AND COMMISSIONS

Section

- 30.01 General provisions
- 30.02 Planning Commission
- 30.03 Zoning Board of Appeals

§ 30.01 GENERAL PROVISIONS.

All boards and commissions existing at the time of the adoption of this code shall be continued, and the members serving thereon shall remain in office for the duration of the term for which they were appointed. Except as otherwise provided, as to any particular board or commission, all boards and commissions shall be subject to the following general provisions.

(A) Any vacancy occurring in the membership of any board or commission shall be filled for the remainder of the unexpired term in the manner provided for the original appointment.

(B) The appointing authority may remove any member of any board or commission for cause, but any member shall be entitled to a public hearing on the removal, on written demand filed with the appointing authority within ten days after notice of removal has been given to the member.

(C) All members of boards and commissions shall serve with/without compensation as established by resolution of Council.
(Ord. passed 12-7-1993)

§ 30.02 PLANNING COMMISSION.

(A) *Creation.* There shall be a Village of Grass Lake Planning Commission pursuant to Public Act 3 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 *et seq.*, hereinafter referred to as the Commission with the powers and duties as set forth below. This section shall be officially known and described as “The Village of Grass Lake Planning Commission Ordinance.”

(B) *Membership.*

(1) The Commission shall consist of five members appointed by the chief elected official, subject to approval by a majority vote of the Village Council. To be qualified to be a member and remain a member of the Commission, the individual shall meet the following qualifications:

(a) Shall be a qualified elector of the village, except one non-qualified elector may be a member of the Commission;

(b) Shall not be a declared candidate for any political office, except this condition shall not apply to the Village Council representative to the Commission;

(c) After an individual's first appointment and before reappointment shall have attended training for Commission members, pursuant to division (D) below;

(d) Shall meet the conditions provided for each individual member in divisions (B)(3) below, except the geographical location of the individual's residency may be considered optional.

(2) Member shall be appointed for three-year terms. However, when first appointed, a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of one-third of all Commission members will expire each new year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of one-third of all Commission members continue to expire each year.

(3) The membership shall be representative, to the extent practicable, of the important segments of the community, such as the economic, governmental, educational, and social development of the village and, as a secondary consideration, be representative of the entire geography of the village.

(a) Ex officio members shall include the chief elected official or one member(s) of the Village Council.

(b) The terms of office of ex officio members shall coincide with their elected terms of office on the legislative body or the term of office of the chief elected official who appointed him or her.

(c) Ex officio members shall not be a Chair of the Commission.

(d) Ex officio members shall not comprise more than one-third of the total membership of the Commission.

(C) *Liaisons.* The Commission, in its bylaws, may name liaisons to the Commission. The purpose of liaisons is to provide the village and quasi-village officials have the ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else.

(D) *Training.* Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted village budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this division shall prohibit a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the Village Council.

(E) *Removal from office.*

(1) The Village Council may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to attend three consecutive Commission meetings shall be considered nonfeasance in office.

(2) The Secretary of the Planning Commission shall report any member who has missed three

consecutive regular meetings to the Village Council.

(F) *Membership; vacancies.* The Village Council shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

(G) *Membership.* The transition from the previous Village of Grass Lake Planning Commission and the Commission established in this section shall be gradual and shall take place over the next three years. The Village Council shall continue to make annual appointments, appointing approximately one-third of the membership of the Commission as specified in this section, so that three years from the effective date of the ordinance codified herein the membership, membership representation, and number of members have completed the transition to fully comply with this section. All other aspects of this section shall have immediate effect.

(H) *Membership; compensation.* All members of the Planning Commission shall serve with compensation equal to, or less than, the per diem of the Village Council per meeting plus mileage.

(I) *Meetings.*

(1) The Commission shall meet at least four times each year. A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of the Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.

(2) The affirmative vote of two-thirds of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to plan.

(J) *Powers and duties.*

(1) The Commission shall have their powers and duties as set forth in Public Act 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L.A. §§ 125.3801 *et seq.*; and Public Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act, M.C.L.A. § 125.3101 *et seq.*

(2) The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

(K) *Meetings; records.* The Commission shall adopt bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

(L) *Approval, ratification, and reconfirmation.* All official actions taken by all Village of Grass Lake Planning Commissions preceding the Commission created by this section are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of the ordinance codified herein shall continue with the Commission created by this section, subject to the requirements of this section, and shall be deemed a continuation of any previous Village of Grass Lake Planning Commission. The ordinance codified herein shall be in full force and effect from and after its adoption and publication.

(Ord. passed 6-21-2011)

§ 30.03 ZONING BOARD OF APPEALS.

The Zoning Board of Appeals for the village, heretofore created in accordance with Public Act 207 of 1921, being M.C.L.A. §§ 125.3601 through 125.3607, as amended, is hereby continued. The organization of the Board and its powers and duties shall be as specified in Article VII of the Village Zoning Ordinance.
(Ord. passed 12-7-1993)

CHAPTER 31: VILLAGE OFFICERS AND EMPLOYEES

Section

- 31.01 Village Clerk and Village Treasurer; appointment
- 31.02 Biennial election of Trustees
- 31.03 Village Manager

§ 31.01 VILLAGE CLERK AND VILLAGE TREASURER; APPOINTMENT.

(A) As authorized by Chapter II, § 2(3) of the General Law Village Act, being Public Act 3 of 1895, being M.C.L.A. §§ 61.1 to 75.12, as amended, the Village Clerk and the Village Treasurer shall be chosen by nomination by the Village President and appointment by the Village Council.

(B) The term of office of the Village Clerk and the Village Treasurer shall be two years, from March 1 of each even-numbered year, and until a successor is appointed. The persons first appointed as Village Clerk and Village Treasurer under this section shall have an initial term of office commencing as of the date that person takes and subscribes the oath of office and files the same with the village, together with the filing of any bond required by law, but the initial term of office shall commence not earlier than April 18, 2000.

(C) This section shall take effect 45 days after the date of its adoption, unless a petition signed by not less than 10% of the registered electors of the village is filed with the acting Village Clerk or village office within those 45 days.

(1) If any valid petition is filed within that period of time, this section shall then take effect only upon its approval at a village election held on the question whether the ordinance shall be approved.

(2) Notice of any delayed effect of this section and the right of petition under this section shall be published separately, at the same time and in the same manner as this section or a notice of this section is published in a local newspaper of general circulation.

(3) In the event any such valid petition is filed, the question of approval of this section shall be submitted at the next general village election or at a special election.

(D) The Village President, or the designee of the Village President, shall arrange for the required publication of a notice of adoption of this section and publication of notice of the right of petition, as above set forth.

(Ord. 33, passed 2-21-2000)

§ 31.02 BIENNIAL ELECTION OF TRUSTEES.

(A) Pursuant to the provisions of Public Act 3 of 1895, being M.C.L.A. §§ 61.1 to 75.12, as amended, and in particular, pursuant to the provisions of division (D) below, the village hereby elects to adopt this section, providing for biennial election of village trustees.

(B) Effective with the regular village election scheduled to be held in calendar year 2002, the Village President, and three village trustees, shall be elected at each biennial village election for the term of four years from the second Monday in March of the even numbered year when elected and until their successors are qualified. Beginning with the election regularly scheduled to be held in calendar year 2004, the three remaining village trustees shall be elected at each biennial village election for the term of four years from the second Monday in March of the even numbered year when elected and until their successors are qualified.

(C) To the extent necessary to provide for the biennial election of trustees, the terms of incumbent trustees are hereby extended for a period of not more than one year.

(D) All ordinances and resolutions, or parts thereof, which are in conflict with the provisions of this ordinance are, to the extent of any such conflict, hereby repealed.
(Ord. 34, passed 5-1-2001)

§ 31.03 VILLAGE MANAGER.

(A) *Establishment of office.* In accordance with the authority for the appointment of a village manager granted to the village in section 2 of chapter II and section 8 of chapter V of 1895 Public Act 3 as amended, the office of Village Manager is established.

(B) *Appointment of Village Manager.* The President shall, with the concurrence of a majority of the Council, appoint a Village Manager. The Council may enter into an employment contract with a Village Manager for a period extending beyond the terms of the members of Council but not exceeding six years. An employment contract with a Manager shall be in writing and shall specify the compensation to be paid to the Manager, any procedure for changing compensation, any fringe benefits and any other conditions of employment. The contract shall state that the Manager serves at the pleasure of the Council and that the Manager may be removed by a majority of the Council. The contract may provide for severance pay or other benefits in the event the employment of the Manager is terminated by the Council. The Manager shall be selected solely on the basis of administrative and executive abilities, with special reference to training and experience. The first Manager to be appointed pursuant to this section shall be appointed within 180 days of the date upon which the ordinance codified herein shall have become effective.

(C) *Acting Village Manager.* The President, with the concurrence of a majority of the trustees, shall appoint or designate an acting Manager during a vacancy in the office of Village Manager and shall make a permanent appointment within 180 days from the effective date of the vacancy.

(D) *Compensation.* The Village Manager shall receive such compensation as the Council shall determine by resolution or ordinance.

(E) *Duties.* The Village Manager shall be chief administrative officer of the village and shall be responsible to the Village Council for the efficient administration of all affairs of the village and shall exercise management supervision over all departments and over all public property belonging to the village. The Manager shall have the following functions and duties:

(1) Attend and participate in all meetings of the Village Council and committees but shall not have a vote on such Council or committees;

(2) Be responsible for the duties of the Streets Administrator for the village;

(3) Be responsible for personnel management and shall issue, subject to Council approval, personnel rules applicable to all village employees. The Manager shall have the following responsibilities:

(a) To appoint, suspend or remove all appointed administrative officers and department heads, subject to Council approval. The Manager shall recommend to the Council the salary or wage for each such official.

(b) To appoint, suspend or remove all other employees of the village. The Manager shall determine the salary for each such employee.

(c) Exercise supervisory control over all departments including, the Department of Public Works.

(d) Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing and related management functions of the Village Clerk and Village Treasurer, subject, however, to the statutory authority granted to such officials.

(e) Shall be authorized to attend all meetings of village boards and commissions including the Village Planning Commission and the Board of the Downtown Development Authority with the right to express his or her views and concerns, and the views and concerns of the Village Council but shall not have a vote.

(f) Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, 1968 Public Act 2, as amended, and any village ordinance that may be adopted.

(g) Be the purchasing agent of the village.

(h) Prepare and maintain written policies and procedures defining the duties and functions of the several officers and departments of the village, subject to the approval of the Council.

(i) Investigate all complaints concerning the administration of the village, and shall have authority at all times to inspect the books, records and papers of any agent, employee or officer of the village.

(j) Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the village; and

(k) Perform other duties required from time to time by the Village Council.

(F) *Purchasing responsibilities.*

(a) The Village Manager shall act as purchasing agent for all village offices and departments. The Manager may delegate some or all of the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the Manager of the responsibility for the proper conduct of those duties. The Village Manager shall have the authority to purchase any product or service the

cost of which does not exceed \$ 2,000 and is recorded and reported to Council, provided that funds have been appropriated. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Any product or service the cost of which exceeds the above dollar amount shall be purchased only if prior approval of the Village Council has been obtained.

(b) The Village Manager may promulgate rules governing the purchase of products or services. The Village Manager shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. ***EMERGENCY CONDITION*** is defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a village service which is essential to the public health or safety.

(Ord. 37, passed 9-18-2007)

CHAPTER 32: SPECIAL ASSESSMENTS

Section

32.01	Definitions
32.02	Authority to assess
32.03	Initiation of special assessment projects
32.04	Initiation by petition
32.05	Survey and report
32.06	Tentative determination; assessment roll
32.07	Deviation from plans and specifications
32.08	Limitations on preliminary expenses
32.09	Special assessment roll
32.10	Assessor to file assessment roll
32.11	Hearing to determine necessity and review; objections in writing
32.12	Changes and corrections in assessment roll
32.13	Objection to assessment
32.14	Special assessment; when due
32.15	Partial payments; when due
32.16	Delinquent special assessments
32.17	Creation of lien
32.18	Additional assessments; refunds
32.19	Additional procedures; written contract
32.20	Collection of special assessments
32.21	Special assessment accounts
32.22	Contested assessments
32.23	Reassessment for benefits
32.24	Combination of projects
32.25	Division of parcels
32.26	Deferred payments of special assessments
32.27	Reconsideration of petitions
32.28	Title

§ 32.01 DEFINITIONS.

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

COST. When referring to the cost of any local public improvement, includes the cost of services, plans, condemnations, spreading of rolls, notices, advertising, financing, construction, legal fees, interest on special assessment bonds for a period not to exceed one year, and all other costs incident to the making of the improvement, the special assessments therefor and the financing thereof.

LOCAL PUBLIC IMPROVEMENT. Any public improvement which is of a nature as to benefit especially any real property or properties within a district in the vicinity of the improvement.
(Ord. 20, passed 7-20-1993)

§ 32.02 AUTHORITY TO ASSESS.

The whole cost or any part thereof of any local public improvement may be defrayed by special assessment upon the lands specially benefitted by the improvement in the manner hereinafter provided.
(Ord. 20, passed 7-20-1993)

§ 32.03 INITIATION OF SPECIAL ASSESSMENT PROJECTS.

Proceedings for the making of local public improvements within the village, the tentative necessity thereof, and the determination that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefitted, provided that all special assessments levied shall be in proportion to the benefits derived from the improvements may be commenced by a majority resolution of the Council, with or without petition.
(Ord. 20, passed 7-20-1993)

§ 32.04 INITIATION BY PETITION.

Local public improvements may be initiated by petition signed by property owners whose aggregate property in the proposed district was assessed for not less than 51% of the total assessed value of the privately-owned real property located therein, all shown by the last preceding general tax records of the village. The petition shall contain a brief description of the property owned by the respective signatories thereof, shall be verified as to the signatures and if it shall appear that the petition is signed by at least 51% as aforesaid, the Clerk shall certify same to the Council. The petition shall be addressed to the Council and filed with the Clerk and shall in no event be considered directory, but is advisory only.
(Ord. 20, passed 7-20-1993)

§ 32.05 SURVEY AND REPORT.

Before the Council shall consider the making of any local improvement, the Council shall cause to be prepared a report which shall include necessary plans, profiles, specifications and detailed estimates of cost, an estimate of the life of the improvement, a description of the assessment district or districts, and other pertinent information as will permit the Council to decide the cost, extent and necessity of the improvement proposed, and what part or proportion thereof should be paid by special assessments upon the property especially benefitted, and what part, if any, should be paid by the village at large. The Council shall not finally determine to proceed with the making of any local public improvement until the report has been filed with the village, available for review by the public and until after a public hearing has been held by the Council for the purpose of hearing objections to the making of the improvement.
(Ord. 20, passed 7-20-1993)

§ 32.06 TENTATIVE DETERMINATION; ASSESSMENT ROLL.

Upon receipt of the report required in § 32.05 above, if the Council shall decide to proceed with the improvement, it shall, by resolution, order the report filed with the Clerk. In addition, by that resolution, the Council shall tentatively determine the necessity thereof, set forth the nature thereof, designate the limits of the special assessment district to be affected and describe the lands to be assessed, the part or portion of the cost of the public improvement to be paid by the lands specially benefitted thereby and the part or portion, if any, to be paid by the village at large for benefit to the village at large, and shall direct the 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.
(Ord. 20, passed 7-20-1993)

§ 32.07 DEVIATION FROM PLANS AND SPECIFICATIONS.

No deviation from original plans or specifications as adopted shall be permitted by any officer or employee of the village without the authority of the Council by majority resolution. A copy of the resolution authorizing those changes or deviation shall be certified by the Clerk and attached to the original plans and specifications on file in his or her office.
(Ord. 20, passed 7-20-1993)

§ 32.08 LIMITATIONS ON PRELIMINARY EXPENSES.

The Council shall specify the provisions and procedures for financing a local public improvement. No contract or expenditure, except for the cost of preparing necessary profiles, plans, specifications and estimates of cost, shall be made for the improvement, nor shall any improvement be commenced until the special assessment roll to defray the costs of the same shall have been made and confirmed.
(Ord. 20, passed 7-20-1993)

§ 32.09 SPECIAL ASSESSMENT ROLL.

(A) The Assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefitted by the proposed improvement and assess to each lot or parcel of land the proportionate amount benefitted thereby.

(B) The amount spread in each case shall be based upon the detailed estimate of cost as approved by the Council.
(Ord. 20, passed 7-20-1993)

§ 32.10 ASSESSOR TO FILE ASSESSMENT ROLL.

When the Assessor shall have completed the assessment roll, he or she shall file the same with the Village Clerk for presentation to the Council for review and certification by it.
(Ord. 20, passed 7-20-1993)

§ 32.11 HEARING TO DETERMINE NECESSITY AND REVIEW; OBJECTIONS IN WRITING.

(A) Upon receipt of the special assessment roll, the Council, by majority resolution, shall accept the assessment roll and order it to be filed in the office of the Clerk for public examination, shall fix the

time and place the Council will meet to hear objections to the improvement and review the special assessment roll and direct the Clerk to give notice of a public hearing for the purpose of affording an opportunity for interested persons to be heard.

(B) The notice shall be given by publication once at least ten full days prior to the date of the hearing in a newspaper published or circulated within the village and by first class mail addressed to each owner of or person in interest in property to be assessed, as shown by the last general tax assessment roll of the village, mailed at least ten days prior to the date of the hearing.

(C) The hearing required by this section may be held at any regular, adjourned or special meeting of the Council. At the hearing, all interested persons or parties shall present, in writing, their objections, if any, to the improvement and the assessments against them, and be given a reasonable opportunity to voice their objections if they so desire. The Assessor shall be present at every meeting of the Council at which a special assessment is to be reviewed.

(Ord. 20, passed 7-20-1993)

§ 32.12 CHANGES AND CORRECTIONS IN ASSESSMENT ROLL.

(A) The Council shall meet at the time and place designated for the hearing on the improvements and review of the special assessment roll, and at the meeting, or a proper adjournment thereof, shall consider all objections thereto submitted in writing and verbally voiced.

(1) The Council may correct the roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may, by majority resolution, annul the assessment roll, and direct that new proceedings be instituted. The same proceedings shall be followed in making a new roll as in the making of the original roll.

(2) If after hearing all objections and making a record of those changes as the Council deems justified, the Council may, by majority resolution, determine to proceed with the public improvement, determine the necessity thereof and set forth the nature thereof, designate the limits of the special assessment district to be affected and describe the lands to be assessed, finally determine the part or proportion of the cost of the public improvement to be paid by the lands specially benefitted thereby and the part or portion, if any, to be paid by the village at large for benefit to the village at large.

(B) If the Council determines that it is satisfied with the special assessment roll and that assessments are in proportion to benefits received, it shall thereupon pass a resolution reciting the determinations, confirming the roll, placing it on file in the office of the Clerk and directing the Clerk to attach his or her warrant to a certified copy thereof within ten days, therein commanding the Assessor to spread and the Treasurer to collect the various sums and amounts appearing thereon as directed by the Council. The roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, unless contested in the manner provided in Ch. 8, § 34 or Public Act 3 of 1895, being M.C.L.A. §§ 61.1 to 75.12, as amended, and subject to adjustment to conform to the actual cost of the improvement, as provided in § 32.18 below.

(Ord. 20, passed 7-20-1993)

§ 32.13 OBJECTION TO ASSESSMENT.

If at, or prior to, the final confirmation of any special assessments the owners of privately owned real property to be assessed for more than 50% of the cost of an improvement, or in the case of paving or similar improvements, the owners of more than 50% of the frontage to be assessed for any such

improvement shall object in writing to the proposed improvement, the improvement shall not be made by proceedings delineated by this chapter without a five-sevenths vote of the members-elect of the Council. This section shall not apply to sidewalk construction.
(Ord. 20, passed 7-20-1993)

§ 32.14 SPECIAL ASSESSMENT; WHEN DUE.

All special assessments, except the installments thereof as the Council shall make payable at a future time as provided in this chapter, shall be due and payable upon confirmation of the special assessment roll.
(Ord. 20, passed 7-20-1993)

§ 32.15 PARTIAL PAYMENTS; WHEN DUE.

(A) The Council may provide for the payment of special assessments in installments. The installments shall be set by majority resolution and shall not exceed 30 in number, the first installment being due upon confirmation of the roll or on a date as the Council may determine and the deferred installments shall be due annually thereafter, or, in the discretion of the Council, shall be due annually on some other date as the Council may fix or may be spread upon and made a part of each annual village tax roll thereafter until all are paid. Interest shall be charged on all deferred installments at a rate not to exceed 8% per annum, commencing on a date on or after confirmation as may be fixed by the Council and payable with each installment.

(B) The full amount of all or any deferred installments, with interest accrued thereon to the date of payment may be paid in advance of the due dates thereof. If the full assessment or the first installment thereof shall be due upon confirmation, each property owner shall have 30 days from the date of confirmation to pay the full amount of the assessment or the full amount of any installments thereof, without interest or penalty.

(C) Following the 30-day period, the assessment or first installment thereof shall, if unpaid, be considered as delinquent and the same penalties shall be collected on the unpaid assessments or first installments thereof as are provided by law to be collected on delinquent general village taxes. Deferred installments shall be collected without penalty until 30 days after the due date thereof, after which time the installments shall be considered as delinquent and the penalties on the installments shall be collected as are provided by law to be collected on delinquent general village taxes. After the Council has confirmed the roll, the Village Treasurer shall notify by first class mail each property owner on the roll that the roll has been filed, stating the amount assessed and the terms of payment. Failure on the part of the Village Treasurer to give the notice or of the owner to receive the notice shall not invalidate any special assessment roll of the village or any assessment thereon, nor excuse the payment of interest or penalties.
(Ord. 20, passed 7-20-1993)

§ 32.16 DELINQUENT SPECIAL ASSESSMENTS.

Any assessment, or part thereof, remaining unpaid on the first Monday of March following the date when the same became delinquent shall be reported as unpaid by the Treasurer to the Council. Any such delinquent assessment, together with all accrued interest, shall be transferred and reassessed on the next annual village tax roll in a column headed "Special Assessments", with a penalty of 4% upon the total amount added thereto, and when so transferred and reassessed upon the tax roll shall be collected in all respects as provided for the collection of village taxes.

(Ord. 20, passed 7-20-1993)

§ 32.17 CREATION OF LIEN.

Special assessments and all interest, penalties and charges thereon from the date of confirmation of the roll shall become a debt to the village from the persons to whom they are assessed, and, until paid, shall be and remain a lien upon the property assessed, of the same character and effect as the lien created by general law for state, county and village taxes, and the lands upon which the same are a lien shall be subject to sale therefor the same as are lands upon which delinquent village taxes constitute a lien.

(Ord. 20, passed 7-20-1993)

§ 32.18 ADDITIONAL ASSESSMENTS; REFUNDS.

(A) The Clerk shall, within 60 days after the completion of each local or special public improvement, compile the actual cost thereof and certify the same to the Assessor, who shall adjust the special assessment roll to correspond therewith.

(B) Should the assessment prove larger than necessary by less than 5%, the same shall be reported to the Council, which may place the excess in the village treasury or make a refund thereof pro rata according to the assessment. If the assessment exceeds the amount necessary by 5% or more, the entire excess shall be credited to owners of property as shown by the village assessment roll upon which the assessment has been levied, pro rata according to the assessment.

(C) No refunds of special assessments may be made which impair or contravene the provision of any outstanding obligation or bond secured, in whole or in part, by the special assessments. In the case of assessments due in installments, the Council may order the refund given by credit against the installments last coming due.

(D) When any special assessment roll shall prove insufficient to meet the cost of the improvement for which it was made, the Council may make an additional pro rata assessment, but the total amount assessed against any one parcel of land shall not exceed the benefits received by the lot or parcel of land.

(Ord. 20, passed 7-20-1993)

§ 32.19 ADDITIONAL PROCEDURES; WRITTEN CONTRACT.

(A) In any case where the provisions of this chapter may prove to be insufficient to carry out fully the making of any special assessment, the Council shall provide by ordinance any additional steps or procedures required.

(B) If all persons or property owners to be affected by any proposed local public improvement agree that the proposed local public improvement be made and that a special assessment be levied in connection therewith, the village may, in lieu of the procedure provided for in this chapter, enter into a written contract with all of the persons or property owners affected by the proposed local public improvement, which contract, when properly approved and executed, shall operate as a complete special assessment procedure and the special assessment shall be made in accordance with the contract.

(Ord. 20, passed 7-20-1993; Ord. 38, passed 10-16-2007)

§ 32.20 COLLECTION OF SPECIAL ASSESSMENTS.

In the event bonds are issued in anticipation of the collection of special assessments as hereinbefore provided, all collections on each special assessment roll, or combination of rolls, shall be set in a separate fund for the payment of the principal and interest on the bonds so issued in anticipation of the payment of the special assessments, and shall be used for no other purpose.
(Ord. 20, passed 7-20-1993)

§ 32.21 SPECIAL ASSESSMENT ACCOUNTS.

Monies raised by special assessment to pay the cost of any local improvements shall be held in a special fund to pay the cost or to repay any money borrowed therefor. Each special assessment account may be used only for the improvement project for which the assessment was levied, expenses incidental thereto, including the repayment of the principal and interest on money borrowed therefor, and to refund excessive assessments if refunds are authorized.
(Ord. 20, passed 7-20-1993)

§ 32.22 CONTESTED ASSESSMENTS.

To contest a special assessment, the special assessment must be protested at the hearing held for the purpose of confirming the special assessment roll. Thereafter, an action to contest the collection of a special assessment shall be instituted under the Tax Tribunal Act, being Public Act 186 of 1973, M.C.L.A. §§ 205.701 to 205.779.
(Ord. 20, passed 7-20-1993; Ord. 38, passed 10-16-2007)

§ 32.23 REASSESSMENT FOR BENEFITS.

(A) Whenever the Council shall deem any special assessment invalid or defective for any reason whatever or if any court of competent jurisdiction shall have adjudged the assessment to be illegal for any reason whatever, in whole or in part, the Council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed and whether any part of the assessment has been collected or not.

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

(C) If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making the payment.
(Ord. 20, passed 7-20-1993)

§ 32.24 COMBINATION OF PROJECTS.

The Council may combine several districts into one project for the purpose of effecting a saving in the costs. There shall be established for each district separate funds and accounts to cover the cost of the same.
(Ord. 20, passed 7-20-1993)

§ 32.25 DIVISION OF PARCELS.

Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the 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. The Village Treasurer shall, within ten days after the apportionment, send notice of the action to the persons concerned at their last known address by first class mail. The apportionment shall be final and conclusive on all parties unless a protest, in writing, is received by the Village Treasurer within 20 days of the mailing of the aforesaid notice.
(Ord. 20, passed 7-20-1993)

§ 32.26 DEFERRED PAYMENTS OF SPECIAL ASSESSMENTS.

The Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Council and Assessor, by reason of poverty are unable to contribute toward the cost thereof. In all those cases, as a condition to the granting of the deferred payments, the village shall require mortgage security on the real property of the beneficiary payable on or before his or her death, or, in any event, on the sale or transfer of the property.
(Ord. 20, passed 7-20-1993)

§ 32.27 RECONSIDERATION OF PETITIONS.

In the event that the Council shall fail to make any public improvement petitioned for under the provisions of § 32.04 above during the calendar year during which any petition is filed, the petition shall be reconsidered by the Council prior to March 1 of the succeeding calendar year for the purpose of determining whether the improvement should be made during the calendar year.
(Ord. 20, passed 7-20-1993)

§ 32.28 TITLE.

This chapter shall be known and may be cited as the “Special Assessment Ordinance” of the village.
(Ord. 20, passed 7-20-1993)

CHAPTER 33: DOWNTOWN DEVELOPMENT AUTHORITY

Section CHAPTER 33CHAPTECHAPTER

- 33.01 Title
- 33.02 Definitions
- 33.03 Determination of necessity
- 33.04 Creation of Authority
- 33.05 Description of Downtown District
- 33.06 Board of Directors
- 33.07 Powers of the Authority
- 33.08 Fiscal and financial responsibilities
- 33.09 Finances

§ 33.01 TITLE.

This chapter shall be known and may be cited as the “Village of Grass Lake Downtown Development Authority Ordinance”.
(Ord. passed 2-6-1990)

§ 33.02 DEFINITIONS.

The terms used in this chapter shall have the same meaning as given to them in Public Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, or as hereinafter in this section provided unless the context clearly indicates to the contrary. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT 197. Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680, as amended, now in effect or hereafter amended.

AUTHORITY. The Village of Grass Lake Downtown Development Authority, created by this chapter.

BOARD OF DIRECTORS. The Board of Directors of the Authority, the governing body of the Authority.

CHIEF EXECUTIVE OFFICER. The President of the village.

DOWNTOWN DISTRICT. The downtown district designated by this chapter, as now existing or hereafter amended.

VILLAGE. The Village of Grass Lake, Jackson County, Michigan.

VILLAGE COUNCIL. The governing body of Village of Grass Lake, Michigan.
(Ord. passed 2-6-1990)

§ 33.03 DETERMINATION OF NECESSITY.

The Village Council hereby determines that it is necessary for the best interests of the village to halt property value deterioration and increase property tax valuation where possible in the business district of the village to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority, pursuant to Act 197, being M.C.L.A. §§ 125.1651 through 125.1680.

(Ord. passed 2-6-1990)

§ 33.04 CREATION OF AUTHORITY.

There is hereby created, pursuant to Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, a Downtown Development Authority for the village. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Village of Grass Lake Downtown Development Authority". 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 chapter, and Act 197, being M.C.L.A. §§ 125.1651 through 125.1680. The enumeration of a power in this chapter or in Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, shall not be construed as a limitation upon the general powers of the Authority.

(Ord. passed 2-6-1990)

§ 33.05 DESCRIPTION OF DOWNTOWN DISTRICT. (A) The Downtown District in which the Authority shall exercise its powers as provided by Act 197, being M.C.L.A. §§ 125.1651 through 125.1680, shall consist of the territory in the village, described as follows: being part of the village, and being more particularly described as follows: commencing at the northeast corner of Section 5, Township 3 South, Range 2 East; thence southerly along the east line of Section 5 approximately 1129 feet; thence westerly approximately 1,659 feet; thence northerly approximately 643 feet; thence easterly 33 feet; thence southerly approximately 189 feet; thence easterly approximately 519 feet to centerline of county ditch; thence northwesterly along the centerline approximately 244 feet; thence northwesterly approximately 346 feet; thence northwesterly approximately 149 feet; thence northwesterly approximately 121 feet; thence northwesterly approximately 50 feet; thence northwesterly approximately 86 feet; thence northwesterly approximately 96 feet; thence southwesterly approximately 207 feet; thence northwesterly approximately 100 feet; thence southwesterly approximately 280 feet; thence southeasterly approximately 94 feet; thence southwesterly approximately 146 feet; thence southerly approximately 110 feet to the south line of Section 32, Township 2 South, Range 2 East; thence westerly along the section line approximately 170 feet; thence southerly 33 feet; thence westerly approximately 77 feet; thence southwesterly approximately 236 feet; thence westerly approximately 142 feet to the north-south 1/4 line of Section 5; thence northerly along the 1/4 line approximately 82 feet to the north 1/4 corner of Section 5; thence northerly approximately 776 feet; thence westerly approximately 308 feet; thence northerly to the south shore of the village; thence northerly and easterly along the shore of the village to a point on the shore of the village westerly of a point 92 feet two inches north of the northeast corner of Lot 4, Block 4, Smith's addition; thence easterly to the point; thence easterly to the east line of Mechanic Street/County Park Road; thence southerly along the east line to a point 100 feet north of the south line of Lot 6, Block 5, Smith's addition; thence easterly parallel to the south line to the east line of Lot 7, Block 5; thence southerly to the southeast corner of Lot 6, Block 5; thence westerly along the south line of Lot 6, Block 5 to the east line of Mechanic Street/County Park Road; thence southwesterly and southerly along the east line to south 1/16 line of Section 32; thence easterly along the south 1/16 line approximately 459 feet; thence

northeasterly approximately 203 feet; thence easterly approximately 66 feet; thence northerly approximately 35 feet; thence easterly approximately 218 feet to the west line of Brown Street; thence southeasterly perpendicular to the west line 33 feet to the east line of Brown Street; thence southerly along the east line to the north line of Consolidated Rail Corporation Railroad; thence southeasterly perpendicular to the north line 100 feet to the south line of Consolidated Rail Corporation Railroad; thence southwesterly along the south line approximately 58 feet; thence southerly approximately 147 feet to the north line of Michigan Avenue; thence northeasterly along the north line approximately 193 feet; thence southeasterly perpendicular to the north line approximately 62 feet to the intersection of the south line of Michigan Avenue with the west line of Maple Street; thence southerly approximately 115 feet along the west line; thence southwesterly approximately 84 feet; thence southerly approximately 236 feet; thence westerly approximately 66 feet; thence northerly approximately 28 feet; thence westerly approximately 66 feet; thence southerly approximately 633 feet to the north line of Section 5; thence easterly along the north line approximately 455 feet to the northeast corner of Section 5, and the point of ending.

(B) The above description is based on assessment records, plats and related information and, as such, is intended to include only complete tax parcels of record.
(Ord. passed 2-6-1990)

§ 33.06 BOARD OF DIRECTORS.

The Authority shall be under supervision and control of a Board of Directors. It shall consist of the Chief Executive Officer of the village, and eight members, as provided by Act 197 or, as provided by § 125.1654, subsection 8, of Public Act 125 of 1981, being M.C.L.A. §§ 493.51 *et seq.*, for municipalities of under 5,000 population, the Planning Commission of the village may assume that function.

(Ord. passed 2-6-1990; Ord. 17, passed 7-6-1998)

§ 33.07 POWERS OF THE AUTHORITY.

The Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

(Ord. passed 2-6-1990)

§ 33.08 FISCAL AND FINANCIAL RESPONSIBILITIES.

(A) The Authority shall prepare budgetary information, expense reports and financial data as required in Public Act 197, being M.C.L.A. §§ 125.1651 through 125.1680.

(B) The Authority shall annually prepare a budget and shall submit it to the Village Council on the same date that the proposed budget for the village is submitted to the Village Council. The Authority shall not finally adopt a budget for any fiscal year until the budget has been approved by the Village Council. The Authority may, however, temporarily adopt a budget in connection with its operation and any improvements where required to do so by the ordinance authorizing the development and finance plan.

(C) The Authority shall submit financial reports to the Village Council at the same time and on the same basis as other departments of the village are required to submit reports. The Authority shall be audited annually and copies of the audit report shall be filed with the Village Council.

(Ord. passed 2-6-1990)

§ 33.09 FINANCES.

The Authority is hereby authorized by the village to effect financing for Authority needs from one or more of the sources authorized by Act 197, being M.C.L.A. §§ 125.1651 through 125.1680.
(Ord. passed 2-6-1990)

CHAPTER 34: TAX AND FINANCE

Section

Cost Recovery

- 34.01 Purpose
- 34.02 Applicability
- 34.03 Cost recovery
- 34.04 Minimum cost recovery

COST RECOVERY

§ 34.01 PURPOSE.

The village is authorized to recover its reasonable costs of response, arrest and prosecution of ordinance violation and the village desiring to recover the costs, this subchapter has been adopted to permit and establish the costs recoveries.
(Ord. 29, passed 1-16-1999)

§ 34.02 APPLICABILITY.

The provisions of this subchapter shall apply to the violation of any village ordinance, including traffic and zoning offenses.
(Ord. 29, passed 1-16-1999)

§ 34.03 COST RECOVERY.

The village shall have the right to apply to and receive from any court of competent jurisdiction its reasonable costs of response to citation for, arrest for or prosecution of any village ordinance violation. The recovery of the costs may be had in any case, including dismissals upon payment of costs.
(Ord. 29, passed 1-16-1999)

§ 34.04 MINIMUM COST RECOVERY.

Any violation prosecuted in court, including dismissals by the prosecution, shall carry a minimum cost recovery in the amount of \$25, unless otherwise waived by the village.
(Ord. 29, passed 1-16-1999)