

PART II - CODE OF ORDINANCES

Chapter 30 COMMUNITY DEVELOPMENT

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ARTICLE I. - IN GENERAL

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FOOTNOTE(S):

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**Charter reference**— General powers of city, § 1.01. [\(Back\)](#)

**Cross reference**— Administration, ch. 2; buildings and building regulations, ch. 18; businesses, ch. 22; environment, ch. 34; special assessments, ch. 58; streets, sidewalks and other public places, ch. 62; subdivisions and other divisions of land, ch. 66; utilities, ch. 82; vegetation, ch. 86; waterways, ch. 90; zoning, app. A. [\(Back\)](#)

**ARTICLE I. IN GENERAL**

[Secs. 30-1—30-30. Reserved.](#)

**Secs. 30-1—30-30. Reserved.**

**ARTICLE II. DOWNTOWN DEVELOPMENT**

DIVISION 1. - GENERALLY

DIVISION 2. - DOWNTOWN DEVELOPMENT AUTHORITY

***DIVISION 1. GENERALLY***

[Sec. 30-31. Definitions.](#)

[Sec. 30-32. Tax increment financing plan and development plan approved.](#)

[Secs. 30-33—30-50. Reserved.](#)

**Sec. 30-31. Definitions.**

The terms used in this article shall have the same meaning as given to them in Act 197 or as provided in this section unless the context clearly indicates to the contrary. As used in this article:

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*Act 197* means Public Act No. 197 of 1975 (MCL 125.1651 et seq.).

*Authority* means the city downtown development authority created by this article.

*Board* and *board of trustees* mean the board of trustees of the authority, the governing body of the authority.

*Chief executive officer* means the mayor of the city.

*Downtown district* means the downtown district designated by this article as now existing or hereafter amended.

(Code 1989, § 5.251)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 30-32. Tax increment financing plan and development plan approved.**

The tax increment financing plan and development plan for the development area within the downtown district established pursuant to Act 197 (MCL 125.1651 et seq.) as prepared by the downtown development authority with the assistance of Snell Environmental Group, Inc., and submitted to the city council, are hereby approved by the city council.

(Code 1989, § 5.259)

**State Law reference**— Tax increment financing, MCL 125.1661 et seq.; development plan, MCL 125.1667 et seq.

**Secs. 30-33—30-50. Reserved.**

***DIVISION 2. DOWNTOWN DEVELOPMENT AUTHORITY***

[Sec. 30-51. Determination of necessity.](#)

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**Sec. 30-51. 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 Act 197 (MCL 125.1651 et seq.).

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(Code 1989, § 5.252)

**State Law reference**— Required findings, MCL 125.1653(1).

**Sec. 30-52. Creation.**

There is hereby created pursuant to Act 197 (MCL 125.1651 et seq.) a downtown development authority for the city. The authority shall be a public body corporate and shall be known and exercise its powers under title of "The City of Montague Downtown Development Authority." The authority may adopt a seal, may sue and be sued in any court for this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this article and Act 197. The enumeration of a power in this article or in Act 197 shall not be construed as a limitation upon the general powers of the authority.

(Code 1989, § 5.253)

**State Law reference**— Creation authorized, MCL 125.1652.

**Sec. 30-53. Description of downtown district.**

The downtown district in which the authority shall exercise its powers as provided by Act 197 (MCL 125.1651 et seq.) shall consist of the following described territory in the city, subject to such changes as may hereafter be made pursuant to this article and Act 197 (MCL 125.1651 et seq.):

Commence at the point where the east and west quarterline of Section 21, Town 12 North, Range 17 West, intersects the easterly line of the C&O Railroad right-of-way, thence southerly along the easterly line of the C&O Railroad right-of-way to the water's edge of White River, thence southwesterly along the water's edge of White River to the southwesterly line of Dowling Street, thence westerly to the southwesterly corner of Lot 4, Block 2, Plat of the Village of Montague, thence north 49°59'10" west to the centerline of Water Street, thence northeasterly along the centerline of Water Street to its intersection with the centerline of Knudsen Street, thence northwesterly along the centerline of Knudsen Street to its intersection with the centerline of Ferry Street, thence northeasterly along the centerline of Ferry Street to its intersection with the centerline of Church Street, thence northwesterly along the centerline of Church Street to its intersection with the centerline of Old Channel Trail, thence northeasterly along the centerline of Old Channel Trail to its intersection with the centerline of Dowling Street, thence westerly along the centerline of Dowling Street to its intersection with the centerline of Stebbins Street, thence northerly along the centerline of Stebbins Street 132 feet, thence westerly parallel with Dowling Street to the centerline of Dicey Street, thence northerly along the centerline of Dicey Street to a point 66 feet northerly of Spring Street, thence easterly parallel to Spring Street to the centerline of the alley in Block 25, Plat of the Village of Montague, thence northerly along such centerline and an extension thereof to its intersection with the centerline of Hunt Street, thence easterly along the centerline of Hunt Street to its intersection with the centerline of the alley in Block 11, Plat of the Village of Montague, if that line is extended southerly, thence northerly along such centerline and an extension thereof to the centerline of the alley in Block 2, Plat of Geo. E. Dowling Addition, thence northerly along such centerline and an extension thereof to its intersection with the east and west quarterline of Section 21, Town 12 North, Range 17 West, thence east along such east and west quarterline to the point of beginning.

(Code 1989, § 5.254)

**State Law reference**— Designation of boundaries, MCL 125.1653.

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**Sec. 30-54. Board of trustees.**

The authority shall be under the supervision and control of a board of trustees consisting of the chief executive officer of the city and eight members as provided by Act 197 (MCL 125.1651 et seq.). The members shall be appointed by the chief executive officer subject to approval by the council and shall hold office for the terms provided in Act 197. All members shall hold office until the member's successor is appointed.

(Code 1989, § 5.255)

**Cross reference**— Boards and commissions, § 2-151 et seq.

**State Law reference**— Board of trustees, MCL 125.1654.

**Sec. 30-55. Powers.**

Except as specifically otherwise provided in this article, the authority shall have all powers provided by law subject to the limitations imposed by law and in this article. The authority shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law and as finally equalized in the downtown district at the rate of not more than two mills each year if the city council annually approves the levy thereof by the authority.

(Code 1989, § 5.256)

**State Law reference**— Powers of board, MCL 125.1657 et seq.

**Sec. 30-56. Bond of director.**

If a director is employed as authorized by section 5 of Act 197 (MCL 125.1655), he shall post bond in the penal sum of \$5,000.00 as required by that section.

(Code 1989, § 5.257)

**Sec. 30-57. Fiscal year; budget; financial reports; audits.**

- (a) The fiscal year of the authority shall begin on July 1 of each year and end on June 30 of the following year, or such 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 Charter to be submitted to the council. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the city council. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.
- (c) The authority shall submit financial reports to the city council as requested by the city council. 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.

(Code 1989, § 5.258)

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**State Law reference**— Budget, MCL 125.1678.