Chapter 2 ADMINISTRATION [1]

ARTICLE I. - IN GENERAL

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FOOTNOTE(S):

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Cross reference— Any ordinance authorizing or approving any contract, deed, or agreement saved from repeal, § 1-11(4); community development, ch. 30; administration and enforcement of flood damage prevention regulations, § 42-61 et seq.; special assessments, ch. 58; taxation, ch. 70; administration and enforcement of traffic and vehicles regulations, § 78-31 et seq.; utilities, ch. 82; administration and enforcement of sewer system regulations, § 82-191 et seq.; administration and enforcement of zoning regulations, app. A, § 12.10 et seq.(Back)

ARTICLE I. IN GENERAL

Sec. 2-1. Notice regarding work for which expenses may be assessed by city.

Secs. 2-2—2-30. Reserved.

Sec. 2-1. Notice regarding work for which expenses may be assessed by city.

Except as otherwise provided, notice regarding sidewalk repairs, sewer or water connections, 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 Code, shall be served:

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

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

(3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least five days before the act or action concerning which the notice is given. No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any city officer, unless permission is given by such officer to remove the notice.

(Code 1989, § 1.11)

State Law reference— Notice of special assessments, MCL 211.741 et seq.

Secs. 2-2—2-30. Reserved.

ARTICLE II. CITY COUNCIL [2]
(RESERVED)

Secs. 2-31—2-60. Reserved.

Secs. 2-31—2-60. Reserved.

FOOTNOTE(S):

--- (2) ---

Charter reference— City council, § 2.01 et seq.(Back)

ARTICLE III. ADMINISTRATIVE ORGANIZATION [3]

Sec. 2-61. Generally.

Sec. 2-62. Department of public works.

Secs. 2-63—2-90. Reserved.

Sec. 2-61. Generally.

(a) The administrative service of the city shall be under the supervision of the city manager, except as otherwise provided by the Charter, and shall be divided into the following offices and departments,

each of which shall be the responsibility of and under the control of a head as listed opposite such office or department:

Office or Department	Official Head
Office of Clerk	City Clerk
Office of Treasurer	City Treasurer
Department of Police	Chief of Police
Department of Public Works	Superintendent of Public Works

(b) The administrative officers of the city shall have the duties and responsibilities prescribed in the Charter and in this chapter.

(Code 1989, § 1.32)

Sec. 2-62. Department of public works.

(a) The department of public works shall be headed by the superintendent of public works. This department shall have the following specific functions:

(1) Maintenance of all improved and unimproved street surfaces, cleaning of improved streets, removal of snow, and maintenance of sidewalks, alleys and other public ways.

(2) Operation of city dumps.

(3) Operation and maintenance of sanitary sewers, storm sewers and drains and the operation and maintenance of the sewage treatment plant.

(4) Maintenance and repair of city vehicles and equipment.

(5) Operation and maintenance of city cemetery properties and facilities.

(6) Maintenance of city park properties.

(b) The department of public works shall also be responsible for the operation and maintenance of the water filtration plant, pumping facilities, transmission mains, storage facilities and distribution mains of the city's water supply, and for the supplying of water to the city's customers according to this Code and rules and regulations adopted by the council. The superintendent of public works shall supervise the reading of water meters and preparation and mailing of water bills.

(Code 1989, §§ 1.61, 1.62)

Secs. 2-63—2-90. Reserved.

FOOTNOTE(S):

--- (3) ---

Charter reference— Departments, offices and agencies, § 4.01 et seq.(Back)

ARTICLE IV. OFFICERS AND EMPLOYEES [4]

Sec. 2-91. Issuance of appearance tickets.

Sec. 2-92. Chief of police.

Secs. 2-93—2-120. Reserved.

Sec. 2-91. Issuance of appearance tickets.

All city officers, city employees and authorized agents of the city may issue and serve appearance tickets as provided in section 9c to 9g of the Code of Criminal Procedure for ordinances that they are authorized to enforce.

(Code 1989, § 1.47)

Sec. 2-92. Chief of police.

The department of police shall be headed by the chief of police.

(Code 1989, § 1.51)

Secs. 2-93—2-120. Reserved.

FOOTNOTE(S):

--- (4) ---

Charter reference— City manager, § 3.01 et seq.; conflicts of interest, etc., §§ 9.01, 9.02.(Back)

Cross reference— Any ordinance providing for salaries or other employee benefits not codified in this Code saved from repeal, § 1-11(6); enforcing officer for flood damage prevention, § 42-61.(Back)

ARTICLE V. FINANCE [5]
(RESERVED)

Secs. 2-121—2-150. Reserved.

Secs. 2-121—2-150. Reserved.

FOOTNOTE(S):

--- (5) ---

Charter reference— Finance, § 5.01 et seq.; bonds, § 6.01 et seq.(Back)

Cross reference— Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-11(3); taxation, ch. 70.(Back)

State Law reference— Revised Municipal Finance Act, MCL 141.2101 et seq.; Uniform Budgeting and Accounting Act, MCL 141.421 et seq.(Back)

ARTICLE VI. BOARDS AND COMMISSIONS [6]

DIVISION 1. - GENERALLY

DIVISION 2. - PLANNING COMMISSION

FOOTNOTE(S):

--- (6) ---

Cross reference— Board of trustees for downtown development authority, § 30-54; zoning board of appeals, app. A, § 11.10 et seq.(Back)

DIVISION 1. GENERALLY

Secs. 2-151—2-170. Reserved.

Secs. 2-151—2-170. Reserved.

DIVISION 2. PLANNING COMMISSION [7]

Sec. 2-171. Generally.

Sec. 2-172. Membership.

Sec. 2-173. Members holding other office.

Sec. 2-174. Term of members.

Sec. 2-175. Compensation of members; removal of members; vacancies.

Sec. 2-176. Chairman and other officers; meetings; records.

Sec. 2-177. Employees and consultants; funding.

Sec. 2-178. Powers and duties.

Secs. 2-179—2-350. Reserved.

Sec. 2-171. Generally.

The city planning commission shall consist of nine members who shall represent, insofar as possible, different professions or occupations. The commission is hereby authorized and empowered to make, adopt, amend, extend, add to or carry out municipal plans as provided by law.

(Ord. No. 262, § 1, 5-4-2009)

Sec. 2-172. Membership.

The members of the city planning commission shall consist of the mayor and one administrative official of the city selected by the mayor, ex officio, whose terms of office shall correspond with the terms of the mayor; a member of the city council, who shall be selected by the council and whose term of office shall correspond with his term as councilman; and six residents of the city, who shall be appointed by the mayor, subject to the approval by a majority vote of the members elect of the city council.

(Ord. No. 262, § 1, 5-4-2009)

Sec. 2-173. Members holding other office.

No member of the planning commission shall hold any other municipal office except the mayor, the city manager and the councilman to be appointed as provided in this division, and excepting further that one of the other six members may be a member of the zoning board of appeals.

(Ord. No. 262, § 1, 5-4-2009)

Sec. 2-174. Term of members.

The term of each appointed member of the planning commission, other than the mayor, administrative official of the city and councilman, shall be three years or until his successor takes office.

(Ord. No. 262, § 1, 5-4-2009)

Sec. 2-175. Compensation of members; removal of members; vacancies.

All members of the planning commission shall serve as such without compensation. Any member may, upon a written statement of the reasons and grounds for the proposed removal and after a public hearing by the city council, be removed by the city council for inefficiency, neglect of duty, or misfeasance, malfeasance or nonfeasance in office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him, and by the city council in the case of the council member.

(Ord. No. 262, § 1, 5-4-2009)

Sec. 2-176. Chairman and other officers; meetings; records.

The city planning commission shall elect its chairman and secretary from amongst its appointed members and fill such other of its offices as it may determine. The term of the chairman and secretary shall be one year. The planning commission shall hold at least one regular meeting in each month and shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(Ord. No. 262, § 1, 5-4-2009)

Sec. 2-177. Employees and consultants; funding.

The planning commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the city. The planning commission may also contract with city planners, engineers, architects and other consultants for such services as it may require. The expenditures of the commission shall be within the amounts appropriated for the purpose by the city council, which shall provide the funds, equipment and recommendations necessary for the planning commission's work.

(Ord. No. 262, § 1, 5-4-2009)

Sec. 2-178. Powers and duties.

The planning commission shall have and exercise all of the powers granted to it under the provisions of the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 123.3801 et seq.) and shall perform all of the duties on its part to be performed as provided in such act and shall be subject to all of the regulations therein provided.

(Ord. No. 262, § 1, 5-4-2009)

Secs. 2-179—2-350. Reserved.

FOOTNOTE(S):

--- (7) ---

Editor's note—Ord. No. 262, § 1, adopted May 4, 2009, amended Div. 2 in its entirety to read as herein set out. Former Div. 2, §§ 2-171—2-178, pertained to similar subject matter, and derived from Code 1989, §§ 5.141—5.148.(Back)

Charter reference— Planning commission, § 4.03.(Back)

State Law reference— Planning commissions, MCL 125.32 et seq.(Back)

ARTICLE VII. ELECTIONS

Sec. 2-351. Nominating petitions.

Secs. 2-352—2-400. Reserved.

Sec. 2-351. Nominating petitions.

Candidates for city council and mayor shall be nominated by filing a nominating petition for the regular city election. Nominating petitions shall be available from the city clerk. The city clerk retains sole discretion as to the design and form of the nominating petition. Nominating petitions shall contain the signatures of at least 20 registered voters. Nominating petitions containing the requisite number of registered voter signatures shall be filed with the city clerk by 4:00 p.m. on the day of the state primary election in August, prior to the regular city election for such person to be declared a candidate.

(Ord. No. 256, § 1, 12-20-2004)

Secs. 2-352—2-400. Reserved.

ARTICLE VIII. CIVIL INFRACTIONS [8]

Sec. 2-401. Definitions.

Sec. 2-402. Issuance or service of citations.

Sec. 2-403. Municipal ordinance violations bureau.

Sec. 2-404. Schedule of civil fines established.

Secs. 2-405—2-499. Reserved.

Sec. 2-401. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized city official means a police officer or other personnel of the city authorized by this code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices. The term "authorized city official" shall include the following, in addition to police officers:

(1) City inspectors and all persons carrying on the inspection function under construction codes enforced in the city from time to time as well as any other codes or ordinances concerning the condition of property such as, but not limited to, the property maintenance code and the dangerous building code.

(2) All personnel designated as zoning and planning enforcement personnel, including but not limited to, the zoning administrator.

(3) All police officers of the city.

(4) The city clerk and any deputy clerk.

Bureau means the city municipal ordinance violations bureau as established by this article.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Municipal civil infraction violation notice means a written notice prepared by an authorized city official, directing a person to appear at the city municipal ordinance violations bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city, as authorized under sections 8396 and 8707(6) of the Revised Judicature Act of 1961 (MCL 600.8396, 600.8707(6)).

(Ord. No. 266, 2-3-2014)

Sec. 2-402. Issuance or service of citations.

The issuance by authorized city officials, service by authorized city officials and contesting of municipal civil infraction citations shall comply with law.

(Ord. No. 266, 2-3-2014)

State Law reference— Issuance and service of citations, MCL 600.8707; contesting civil infractions, MCL 600.8715 et seq.

Sec. 2-403. Municipal ordinance violations bureau.

(a) *Bureau established.* The city hereby establishes a municipal ordinance violations bureau ("bureau") as authorized under section 8396 of the Revised Judicature Act of 1961 (MCL 600.8396) to accept admissions of responsibility of municipal civil infractions in response to municipal civil infraction

violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

(b) *Location; supervision; employees, rules and regulations.* The bureau shall be located at Montague City Hall, 8778 Ferry Street, City of Montague, Michigan, and shall be under the supervision and control of the city treasurer. The city treasurer, subject to the approval of the city manager, shall adopt rules and regulations for the operation of the bureau and appoint any necessary qualified city employees to administer the bureau.

(c) *Disposition of violations.* The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violations notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the bureau. Nothing in this article shall prevent or restrict the city from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

(d) *Bureau, limited to accepting admissions of responsibility.* The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

(e) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations as provided in this article. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.

(f) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.

(g) *Procedure where admission of responsibility not made or fine not paid.* If an authorized city official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the Revised Judicature Act of 1961 (MCL 600.8705, 600.8709), but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(Ord. No. 266, 2-3-2014)

State Law reference— Ordinance violation notice, MCL 600.8706(6).

CITY OF MONTAGUE
MUSKEGON COUNTY, MICHIGAN
ORDINANCE NO. 279

The City of Montague hereby ordains to revise Chapter 2, Section 404 "Schedule of civil fines established" of the Code of Ordinances of the City of Montague to add fines for violation of Chapter 26 "Cemeteries" ordinance as follows:

Sec. 2-404. Schedule of civil fines established.

(a) A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established by the article. The schedule shall be as follows:

Location in Code	Subject	First Offense	First Repeat*	Second Repeat**
Chapter 18	Property maintenance code	$100.00	$250.00	$500.00
Chapter 26	Cemeteries	$100.00	$250.00	$500.00
Appendix A	Zoning ordinances	$100.00	$250.00	$500.00
*	"First repeat" means a repeat of the offense by the same person or persons in concert within 24 months of the first offense.			
**	"Second repeat" means a repeat of the offense by the same person or persons in concert within 24 months of the first repeat offense.			

(b) A copy of the schedule, as amended from time to time by ordinance, shall be posted at the bureau.

This Ordinance is enacted by the City of Montague, County of Muskegon, State of Michigan, at a meeting of the City Council held at City Hall, this 20th day of March, 2017. This amendment to the ordinance adopted:

Ayes: Todd, Froelich, Mayberry, Kiel, Lohman
Nays: Babcock
Abstain: Neubauer

Adoption Date: March 20, 2017
Effective Date: April 4, 2017

CITY OF MONTAGUE

By: _____
Michelle Landis
City Clerk