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CODIFIED ORDINANCES OF NEGAUNEE

PART TWO - ADMINISTRATION CODE

TITLE TWO - General Provisions

- Chap. 202. Codified Ordinances.
 Chap. 204. Official Standards.
 Chap. 206. Voting Precincts and Polling Places.

CHAPTER 202
 Codified Ordinances

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| 202.01 | Designation; citation; headings. | 202.06 | Sections and ordinances repealed;
revivor. |
| 202.02 | Amendments and supplements;
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| 202.03 | Definitions and interpretation. | 202.08 | Application of Codified
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CROSS REFERENCES

- Ordinances and resolutions generally - see CHTR. Art. V;
 ADM. Ch. 224
 Codification of ordinances - see CHTR. §5.11
 Publication of codes of municipal ordinances - see
 M.C.L.A. §117.5b

202.01 DESIGNATION; CITATION; HEADINGS.

(a) This volume consists of all ordinances of a general and permanent nature of the Municipality, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated as the Codified Ordinances of Negaunee, Michigan, 1995, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 202.01."

202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING; ALTERATIONS.

(a) The Codified Ordinances of Negaunee may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of Council to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of Negaunee and any and all such amendments and supplements.

(b) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles and/or chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying Code 2, and the two figures "02" before the decimal signifying the chapter within the Code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the Code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

(c) No person shall change or amend, by additions or deletions, any part of these Codified Ordinances, or insert or delete pages, or portions thereof, or alter or tamper with these Codified Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

202.03 DEFINITIONS AND INTERPRETATION.

Terms used in these Codified Ordinances, unless specifically defined herein, shall have the meanings prescribed by State law. In the construction of these Codified Ordinances, or any provision thereof, the following rules and definitions shall control, except those which are inconsistent with the manifest intent of Council as disclosed in a particular provision, section or chapter:

- (1) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the Municipality adopting the Codified Ordinances of Negaunee, pursuant to law.
- (2) Authority. Whenever in these Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- (3) Calendar-Computation of Time. The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday or a legal holiday, in which case it shall be excluded. If time is expressed in hours, the whole of Sunday or a legal holiday shall be excluded.
- (4) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.
- (5) Corporate Limits. Wherever in these Codified Ordinances an act is prohibited, declared unlawful or required to be performed, directly or by implication, such references shall imply "within the corporate limits of the City."
- (6) Council. "Council" means the legislative authority of the City.
- (7) County. "County" means Marquette County, Michigan.
- (8) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- (9) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.
- (10) Joint Authority. Words giving authority to a board, commission, authority or three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (11) Keeper and Proprietor. "Keeper" and "proprietor" mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.

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- (12) Land and Real Estate. "Land" and "real estate" include rights and easements of an incorporeal nature.
 - (13) Law. "Law" means all applicable laws of the United States of America, the State of Michigan and the City of Negaunee.
 - (14) Michigan Compiled Laws Annotated (M.C.L.A.). Where a section of these Codified Ordinances is followed by a reference to a section of the Michigan Compiled Laws Annotated (M.C.L.A.), such reference indicates that the section is analogous or similar to such M.C.L.A. section.
 - (15) Minor. "Minor" means any person who is under the age of eighteen years.
 - (16) Municipality or City. "Municipality" or "City" means the City of Negaunee, Michigan. Further, the words "the City" or "this City" shall be construed as if the words "of Negaunee" followed them and shall extend to and include its several officers, agents and employees.
 - (17) Notice. "Notice" means notice as described in Section 202.04.
 - (18) Number. Words in the plural include the singular and words in the singular include the plural number.
 - (19) Oath. "Oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
 - (20) Ordinance. "Ordinance" means and includes any ordinance of the Municipality, including any provision of these Codified Ordinances.
 - (21) Owner. "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.
 - (22) Person. "Person" includes any individual, copartnership, corporation, association, club, joint venture, estate, trust and any other group or combination acting as a unit, and the individuals constituting such group or unit.
 - (23) Premises. "Premises," when used as applicable to property, extends to and includes land and buildings.
 - (24) Property. "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes lands, tenements and hereditaments.
 - (25) Public Acts. "Public Acts" means Acts of the State legislature of the State of Michigan.
 - (26) Public Place. "Public place" means any place to or upon which the public resorts or travels, whether such place is owned or controlled by the City or any agency of the State or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied.

- (27) **Publish.** "Publish" means to print in a newspaper of general circulation in the Municipality the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for inspection.
- (28) **Reasonable Time.** In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such time only as may be necessary for the prompt performance of such act or the giving of such notice.
- (29) **Reference to Offices or Officers.** Reference in any of the provisions of these Codified Ordinances to any office or officer of the City, State or County shall include any person authorized by law to perform the duties of such office or officer.
- (30) **Residence.** "Residence" means an abode in which a person permanently resides.
- (31) **Shall and May.** "Shall" is mandatory; "may" is permissive.
- (32) **Sidewalk.** "Sidewalk" means that portion of a street between the curb lines or lateral lines and the right-of-way lines, which is intended for the use of pedestrians.
- (33) **State.** "State" means the State of Michigan.
- (34) **Street, Highway and Alley.** "Street," "highway" and "alley" mean the entire width subject to an easement for public right of way, or owned in fee by the City, County or State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The word "alley" means any such way or place providing a secondary means of ingress and egress from a property.
- (35) **Tenant and Occupant.** "Tenant" and "occupant," as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.
- (36) **Tenses.** The use of any verb in the present tense includes the future.
- (37) **Time.** Whenever any time established in the Codified Ordinances for the taking of any action expires on a Sunday or a legal holiday, such time shall not expire on such day but shall expire on the next week day.
- (38) **Responsibility.** Whenever any act is prohibited by a provision of these Codified Ordinances or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do such act.

202.04 NOTICES.

(a) 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 these Codified Ordinances, shall be served:

- (1) By delivering the notice to an owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion;
- (2) By mailing such notice by certified or registered mail to such owner at his or her last known address; or
- (3) If an owner is unknown, by posting such notice in some conspicuous place on the premises for five days before the act or action concerning which the notice is given.

(b) Notice to any part owner, joint tenant or tenant in common shall be deemed to be notice to all such part owners, joint tenants or tenants in common.

(c) 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 such notice or placard.

202.05 SEVERABILITY.

It is the legislative intent of Council in adopting these Codified Ordinances that all provisions and sections of these Codified Ordinances be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City. Should any provision or section of these Codified Ordinances be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent that these Codified Ordinances shall stand, notwithstanding the invalidity of any provision or section thereof.

The provisions of this section shall apply to the amendment of any section of these Codified Ordinances, whether or not the wording of this section is set forth in the amendatory ordinance.

202.06 SECTIONS AND ORDINANCES REPEALED; REVIVOR.

(a) All ordinances, resolutions, rules and regulations of the Municipality, and parts of the same, in conflict with any of the provisions of these Codified Ordinances, are hereby repealed.

(b) The repeal of a repealing provision does not revive the provision originally repealed nor impair the effect of any saving clause therein.

202.07 EXEMPTIONS FROM REPEAL.

The repeal provided for in Section 202.06 shall not affect:

- (a) Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the adoption of these Codified Ordinances;

- (b) Any ordinance or resolution promising or guaranteeing the payment of money by or to the Municipality, or authorizing the issuance of any bonds of the Municipality, or any evidence of the Municipality's indebtedness, or any contract or obligation assumed by the Municipality;
- (c) The administrative ordinances and resolutions of Council not in conflict or inconsistent with any provision of these Codified Ordinances;
- (d) Any right, license or franchise conferred by any ordinance or resolution of Council on any person;
- (e) Any ordinance or resolution establishing, naming, relocating or vacating any street or other public way;
- (f) Any ordinance or resolution or part thereof providing for the establishment of positions, for salaries or compensation;
- (g) Any prosecution, suit or other proceeding pending, or any judgment rendered, on or prior to the adoption of these Codified Ordinances;
- (h) Any ordinance or resolution levying or imposing taxes or assessments;
- (i) Any ordinance or resolution establishing or changing the boundaries of the Municipality; or
- (j) Any ordinance or resolution adopted by Council after the adoption of these Codified Ordinances.

202.08 APPLICATION OF CODIFIED ORDINANCES.

These Codified Ordinances shall apply to acts performed within the jurisdiction of the City. Acts performed outside the City shall be governed by these Codified Ordinances up to the limits prescribed by law, where the law confers power on the City to regulate such acts outside the City.

202.09 UPDATING AND REVISION OF CODIFIED ORDINANCES.

(a) By contract or by City personnel, supplements to these Codified Ordinances shall be prepared and printed whenever authorized or directed by Council. A supplement to these Codified Ordinances shall include all substantive permanent and general parts of ordinances passed by Council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby to these Codified Ordinances, and shall also include all amendments to the Charter during the period. The pages of a supplement shall be so numbered that they will fit properly into these Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be prepared so that, when they have been inserted, these Codified Ordinances will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to these Codified Ordinances, portions of these Codified Ordinances which have been repealed shall be so indicated by the codifier (meaning the person, agency or organization authorized to prepare the supplement) by use of an editor's note detailing how such portion was repealed.

(c) When preparing a supplement to these Codified Ordinances, the codifier may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into these Codified Ordinances. For example, the codifier may:

- (1) Organize the ordinance material into appropriate chapters, sections, subsections and other subdivisions;
- (2) Provide appropriate catchlines, headings and titles for chapters, sections, subsections and other subdivisions of these Codified Ordinances printed in the supplement, and make changes thereto;
- (3) Assign appropriate numbers to chapters, sections and other subdivisions to be inserted in these Codified Ordinances, and, where necessary to accommodate new material, change existing chapter, section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter", "this section" or "this subsection," etc., as the case may be, or to "sections ___ to ___" (inserting section numbers to indicate the sections of these Codified Ordinances which embody the substantive sections of the ordinance incorporated into these Codified Ordinances); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into these Codified Ordinances, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in these Codified Ordinances, except as otherwise provided by the City.

202.99 GENERAL CODE PENALTY; COMPLICITY.

(a) General Penalty. Whoever violates any of the provisions of these Codified Ordinances, or of any technical or other code adopted by reference in these Codified Ordinances, or of any rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law, for which no penalty is otherwise specifically provided, is responsible for a civil infraction and shall pay a civil fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense. Whoever violates any of such provisions that is expressly declared to be a misdemeanor shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues, unless otherwise provided.

(b) Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either or under authority of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, including the enforced removal of prohibited conditions.

(c) Complicity. Every person concerned in the commission of an offense under these Codified Ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried or found responsible, and on conviction shall be punished, as if he or she had directly committed such offense.

CHAPTER 204
Official Standards

EDITOR'S NOTE: There are no sections in Chapter 204. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- State Seal - see Mich. Const. Art. 3, §3; M.C.L.A. §§2.41 et seq.
- Seal of municipal sewage disposal and water supply authority -
see M.C.L.A. §124.284
- Weights and measures - see M.C.L.A. §§290.601 et seq.; 750.561
et seq.

CHAPTER 206
Voting Precincts and Polling Places

206.01	Establishment of precincts.	206.04	Voting places.
206.02	Description of Precinct 1 (the South Precinct).	206.05	Voting precinct map.
206.03	Description of Precinct 2 (the North Precinct).		

CROSS REFERENCES

- City boundaries - see CHTR. §1.2
- Voting precincts - see CHTR. §2.1
- Equal representation - see M.C.L.A. §117.3
- Apportionment of wards; copy of apportionment plan - see M.C.L.A. §117.27a

206.01 ESTABLISHMENT OF PRECINCTS.

The City is hereby divided into two voting precincts, to be designated as Precinct 1 (the South Precinct) and Precinct 2 (the North Precinct).

206.02 DESCRIPTION OF PRECINCT 1 (THE SOUTH PRECINCT).

Precinct 1 (the South Precinct) shall consist of the following described area:

SOUTH PRECINCT
Precinct 1

Beginning at the intersection of Teal Lake Avenue extended and the south shore of Teal Lake, then westerly along said south shore to the west City limit line, which is also the west line of Section 35, Township 48 North, Range 27 West; then south along said west section line to the southwest corner of said Section 35, Township 48 North, Range 27 West; then east along the south line of said Section 35 to the northwest corner of Section 1, Township 47 North, Range 27 West; then south along the west section lines of Sections 1, 12 and 13 of Township 47 North, Range 27 West, to the south City limit line; then east along the south City limit line to the east City limit

line; then north along the east City limit line to the southeast corner of Section 33, Township 48 North, Range 26 West; then west along said section line to the southwest corner of said Section 33, Township 48 North, Range 26 West; then southwesterly through fenced caving grounds to the centerline of Mitchell Avenue, extended; then northwesterly along the centerline of Mitchell Avenue to the centerline of East Arch Street; then westerly along the centerline of East Arch Street to the centerline of Teal Lake Avenue; then northerly along the centerline of Teal Lake Avenue to the point of beginning, all as shown on the map on file with the Clerk of the City of Negaunee.

206.03 DESCRIPTION OF PRECINCT 2 (THE NORTH PRECINCT).

Precinct 2 (the North Precinct) shall consist of the following described area:

NORTH PRECINCT
Precinct 2

Beginning at the intersection of Teal Lake Avenue extended and the south shore of Teal Lake, then westerly along the south shore of Teal Lake to the west City limit; then north along such line to the north City limit line, then east along such line to the east City limit line; then south along the east line to the southeast corner of Section 33, Township 48 North, Range 26 West; then west along the section line to the southwest section corner; then southwesterly through the fenced caving grounds to the centerline of Mitchell Avenue extended; then northwesterly along the centerline of Mitchell Avenue to the centerline of East Arch Street; then westerly along the centerline of East Arch Street to the centerline of Teal Lake Avenue; then northerly along the centerline of Teal Lake Avenue to the point of beginning, all as shown on the map on file with the Clerk of the City of Negaunee.

206.04 VOTING PLACES.

The voting place for Precinct 1 (the South Precinct) shall be located at the Negaunee Ice Arena. The voting place for Precinct 2 (the North Precinct) shall be the Lakeview School Memorial Gym Lobby.

206.05 VOTING PRECINCT MAP.

The City Clerk shall maintain, and shall have available for inspection during regular business hours at the office of the City Clerk, a map showing the boundaries of the voting precincts within the City.

TITLE FOUR - Legislation

Chap. 220. Council.

Chap. 222. Mayor.

Chap. 224. Ordinances and Resolutions.

CHAPTER 220

Council

EDITOR'S NOTE: There are no sections in Chapter 220. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Council generally - see CHTR. Art. IV

Organization of Council - see CHTR. §5.1

Powers of Council - see CHTR. §5.5

Authority re special assessments - see CHTR. §10.1

Legislative body in home rule cities - see M.C.L.A. §117.3

Authority re compensation - see ADM. 286.02

CHAPTER 222
Mayor

EDITOR'S NOTE: There are no sections in Chapter 222. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Mayor Pro-Tem - see CHTR. §4.3

Presiding officer of Council - see CHTR. §4.3

Mayor in home rule cities - see M.C.L.A. §117.3

CHAPTER 224
Ordinances and Resolutions

EDITOR'S NOTE: There are no sections in Chapter 224. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Ordinances and resolutions generally - see CHTR. Art. V

Ordinances in home rule cities - see M.C.L.A. §§117.3,
117.5b

Enforcement - see M.C.L.A. §117.4i

Enactment - see M.C.L.A. §117.4j

Actions to recover fines and penalties - see M.C.L.A. §117.29

Codified Ordinances - see ADM. Ch. 202

TITLE SIX - Administration

- Chap. 230. City Manager.
- Chap. 232. City Attorney.
- Chap. 234. City Clerk.
- Chap. 236. City Treasurer.
- Chap. 238. City Assessor.
- Chap. 240. City Engineer.
- Chap. 242. Librarian.
- Chap. 244. City Accountant/Deputy Clerk.
- Chap. 246. Personnel Director.
- Chap. 248. Police Department.
- Chap. 250. Fire Department.
- Chap. 252. Department of Public Works.
- Chap. 260. Employees Generally.

CHAPTER 230
City Manager

EDITOR'S NOTE: There are no sections in Chapter 230. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- City Manager generally - see CHTR. §§6.2 et seq.
- Preparation and submission of budget - see CHTR. §8.2
- Control of Municipal Ordinance Violations Bureau - see ADM.
292.05(a)
- Duties re Parking Violations Bureau - see TRAF. 440.02
- Authority re abatement of nuisances - see GEN. OFF. 674.06
- Authority re garbage and rubbish collection and disposal - see
S.U. & P.S. 1060.03

CHAPTER 232
City Attorney

EDITOR'S NOTE: There are no sections in Chapter 232. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Appointment of City Attorney; duties - see CHTR. §6.7

Legal advisor - see M.C.L.A. §87.20

Membership on Board of Election Commissioners - see M.C.L.A.
§168.25

Duties re animals running at large - see M.C.L.A. §§433.53,
433.62

Service of process - see M.C.L.A. §600.1925

CHAPTER 234
City Clerk

EDITOR'S NOTE: There are no sections in Chapter 234. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Certification of candidates' names - see CHTR. §2.14

City Clerk generally - see CHTR. §6.8

Filing charters or amendments thereto - see M.C.L.A. §117.24

Filing of initiative petitions - see M.C.L.A. §117.25

Apportionment of wards; copy of apportionment plan - see
M.C.L.A. §117.27a

CHAPTER 236
City Treasurer

EDITOR'S NOTE: There are no sections in Chapter 236. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Treasurer generally - see CHTR. §6.9

Collection of tax penalties - see CHTR. §9.9

Justices of the Peace to turn moneys collected over to City

Treasurer - see M.C.L.A. §117.31

Deposit of public funds - see M.C.L.A. §§129.11 et seq.

Collection of municipal income taxes - see M.C.L.A. §141.671

CHAPTER 238
City Assessor

EDITOR'S NOTE: There are no sections in Chapter 238. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Assessor generally - see CHTR. §6.10
Certification of tax levy to - see CHTR. §9.7
Tax Assessors in home rule cities - see M.C.L.A. §117.3
Deposit of public funds - see M.C.L.A. §§129.11 et seq.
Municipal bonds - see M.C.L.A. §§132.2, 133.6, 135.7
Municipal Finance Act - see M.C.L.A. §§133.5, 133.6
Public money - see M.C.L.A. §§750.489 et seq.

CHAPTER 240
City Engineer

EDITOR'S NOTE: There are no sections in Chapter 240. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

City Engineer generally - see CHTR. §6.11

Improvements in home rule cities - see M.C.L.A. §117.4d

Sidewalk construction and repair - see S.U. & P.S. Ch. 1020

CHAPTER 242
Librarian

EDITOR'S NOTE: There are no sections in Chapter 242. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Libraries generally - see Mich. Const. Art. 8, §9; M.C.L.A.
§§397.11 et seq., 450.691 et seq.
City library reports - see M.C.L.A. §397.207
Contracts for joint municipal libraries - see M.C.L.A.
§§397.213 et seq.
Library Board - see ADM. Ch. 276

CHAPTER 244
City Accountant/Deputy Clerk

EDITOR'S NOTE: There are no sections in Chapter 244. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Finance generally - see Mich. Const. Art. 9, §§1 et seq.
System for City accounting - see CHTR. §11.1
Annual audits - see CHTR. §11.4
Deposit of public funds - see M.C.L.A. §§129.11 et seq.
Municipal bonds - see M.C.L.A. §§132.2, 133.6, 135.7
Municipal Finance Act - see M.C.L.A. §§133.5, 133.6
Public money - see M.C.L.A. §§750.489 et seq.

CHAPTER 246
Personnel Director

EDITOR'S NOTE: There are no sections in Chapter 246. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Recall - see CHTR. §3.4; M.C.L.A. §117.4i

Civil service - see CHTR. §7.7; M.C.L.A. §117.4i

Municipal Employees' Retirement System - see M.C.L.A.
§§38.601 et seq.

Compensation and salaries in home rule cities - see M.C.L.A.
§§117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32,
117.33

Shortening or extending term of office - see M.C.L.A. §117.5

Officers and employees generally - see ADM. Ch. 260

Powers and duties of Personnel Director - see ADM. 260.05,
260.06

CHAPTER 248
Police Department

248.01 Adoption of minimum employment standards for law enforcement officers.

CROSS REFERENCES

Enforcement of laws - see M.C.L.A. §117.4i

Arrests - see M.C.L.A. §117.34

Jurisdiction outside city limits - see M.C.L.A.
§117.34

Order to depart or disperse - see GEN. OFF. 672.04

248.01 ADOPTION OF MINIMUM EMPLOYMENT STANDARDS FOR LAW ENFORCEMENT OFFICERS.

The minimum employment standards for law enforcement officers, as established and adopted by the Michigan Law Enforcement Officers Training Council in accordance with Act 203 of the Public Acts of 1965, as amended, are hereby adopted by reference as the minimum employment standards for law enforcement officers of the City.

CHAPTER 250
Fire Department

250.01	Establishment; adoption of Constitution and Bylaws; funding; compensation.	250.05	Power and authority of Chief and Incident Commander; obstructing and assisting fire-fighters.
250.02	Organization and membership.	250.06	Charges for services rendered by the Department.
250.03	Powers and duties of the Chief; enforcement of the Incident Command System.	250.99	Penalty.
250.04	Code Enforcement Officials.		

CROSS REFERENCES

Firemen's Retirement System - see M.C.L.A. §§38.551 et seq.
 Borrowing money for fire protection - see M.C.L.A. §117.4a
 Fire stations - see M.C.L.A. §117.4e
 Open burning - see GEN. OFF. 682.06
 BOCA National Fire Prevention Code - see F.P. Ch. 1610

250.01 ESTABLISHMENT; ADOPTION OF CONSTITUTION AND BYLAWS; FUNDING; COMPENSATION.

(a) A volunteer Fire Department is hereby organized in and for the City under the title of the Fire Department of the City (hereinafter sometimes referred to as the "Fire Department") and the duty of fire-fighting and the prevention of fires in the City is hereby delegated to that Department. Its organization and internal regulation shall be governed by the provisions of this chapter and of these Codified Ordinances and by a constitution and bylaws as may be adopted by the Fire Department and approved by Council, except as otherwise provided by law and ordinance.

(b) The Fire Department is hereby authorized and directed to adopt and, from time to time amend, a constitution and bylaws for its control, management and government, and for the regulation of its business and proceedings, which, after adoption by a two-thirds vote of the members of the Fire Department, shall not become effective and operative until presented to and approved by Council. Amendments to said constitution and bylaws shall be adopted in the same manner.

(c) Council shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and to properly protect life and property from fire and other hazards.

(d) The officers and members of the Fire Department shall receive such compensation from the City as may from time to time be fixed by resolution of Council.

250.02 ORGANIZATION AND MEMBERSHIP.

- (a) The Fire Department shall consist of not less than twenty-five members, all of whom shall:
- (1) Be between eighteen and sixty-five years of age;
 - (2) Be in, and maintain, a state of physical conditioning which will enable them to perform all of the duties, functions and activities expected of a fire-fighter;
 - (3) Meet the applicable requirements for volunteer fire-fighters as established by the Michigan Firefighters Training Council and the policies of the Fire Department; and
 - (4) Be residents of the City.
- (b) The Fire Department shall have the following officers, in descending order of rank:
- (1) One Chief;
 - (2) One Assistant Chief;
 - (3) One Hose Captain;
 - (4) One Assistant Hose Captain;
 - (5) One Ladder Captain;
 - (6) One Assistant Ladder Captain;
 - (7) One or more Lieutenants;
 - (8) One Safety Officer;
 - (9) One Training Officer;
 - (10) One Secretary; and
 - (11) One Treasurer.

These officers may be compensated as Council may, from time to time, direct by resolution. The Fire Department shall also have a Board of Trustees, consisting of three members of the Fire Department to be elected by the members of the Fire Department, each of whom shall serve a three-year term.

(c) A vacancy in the office of Chief shall be filled by appointment of the City Manager. Upon creation of a vacancy in the office of Chief, the next highest ranking officer of the Fire Department shall perform the duties of the Chief until such vacancy has been filled.

(d) Upon appointment, the Chief shall immediately assume office and shall hold office until reappointed or removed for cause, or until service is terminated by retirement, resignation, change of residence to outside the City limits, death or the inability of the Chief to perform his or her duties.

(e) The City Manager may employ or fill additional Fire Department positions with full-time or part-time personnel, if budgeted, for the purpose of Department administration, maintenance or code enforcement. The duties and compensation of such personnel shall be established by resolution of Council, as recommended by the City Manager.

(f) A vacancy in the membership of the Fire Department shall be filled by appointment of the City Manager, pursuant to the following procedures:

- (1) The Department shall maintain a file of applications for membership;
- (2) Upon creation of a vacancy in the membership of the Department, applications shall be submitted to, and voted upon by, the members of the Department in accordance with the bylaws of the Department; and
- (3) The applicant receiving the highest number of votes shall be recommended to the City Manager for membership in the Fire Department.

(g) All entry level fire-fighters shall be subject to the policies of the City and the Fire Department and shall be subject to the time limitations for certification established by the Michigan Firefighters Training Council.

(h) Active membership in the Fire Department shall terminate upon reaching the age of sixty-five or when the City Manager determines that a member is no longer able to perform the full range of duties, functions and activities reasonably expected of a fire-fighter. Any member of the Department under the age of sixty-five who cannot perform all of the duties, functions and activities of an active fire-fighter, as described by the job descriptions of the Fire Department, may elect to serve in such nonfire-fighting capacities as may be directed by the Chief.

(i) All resignations from the Fire Department shall first be submitted to the Chief, who shall thereupon submit them to the City Manager for appropriate action. All resigning members of the Department, having fulfilled the requirements for honorary membership in the Fire Department as set forth in the bylaws of the Department, shall be placed on the honorary membership role.

(j) The Chief shall report to the City Manager the name of each member or officer of the Department who has been expelled, demoted or otherwise disciplined and shall also report the circumstances of such expulsion, demotion or other disciplinary action. Any member or officer of the Fire Department who has been expelled, demoted or disciplined for any offense, neglect of duty or insubordination shall have the right to appear before the City Manager to present reasons why such expulsion, demotion or other disciplinary action should not be confirmed by the City Manager.

(k) The Department shall be organized into one or, at the option of the Chief, into two or more companies.

- (1) One such company shall consist of not more than ten noncompensated auxiliary firefighters, which shall support the Fire Department during periods of manpower shortages, and which shall serve as a pool of future candidates for active membership in the Fire Department.
- (2) Each such company of the Department shall be in charge of a Captain or, in his or her absence, a Lieutenant who shall be responsible to the Chief.
- (3) At any time deemed necessary, the Chief may make temporary transfers of personnel between companies.

(l) The duties of all firefighters shall be described in the policies of the Department, which shall be subject to approval of the City Manager.

(m) The election of the Secretary, Treasurer, Trustees and such social officers as the bylaws of the Fire Department may require shall be held at the annual meeting of the Fire Department in such manner as is provided for in the bylaws of the Department. In case of any vacancy in such offices, the Chief shall appoint an active member of the Department in good standing to fill such vacancy until the next annual meeting.

250.03 POWERS AND DUTIES OF THE CHIEF; ENFORCEMENT OF THE INCIDENT COMMAND SYSTEM.

(a) The Chief shall have general supervision of the Department, subject to this chapter and the policies of the Department, and shall be responsible for the operation and general efficiency of the Department.

(b) It shall be the duty of the Chief to preside at all meetings of the Fire Department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce observance of this chapter and the constitution and bylaws of the Fire Department.

(c) It shall be the duty of the Chief to maintain the chain of command and enforce the Incident Command System adopted by the Marquette County Firefighters Association at all incidents to which the Fire Department is dispatched, as follows:

- (1) The ranking officer of the first truck to arrive at the scene of an incident shall assume command of the incident, and shall relinquish such command to the next higher officer subsequently arriving at the scene.
- (2) The officer in charge of any incident shall be known as the Incident Commander (IC).
- (3) The Incident Commander shall assume complete command of, and entire responsibility for, all incident operations, shall plan the control of the same, shall direct the action of the companies when they arrive on the scene, shall assure that every company performs its duty, shall grant leaves of absence at the incident if deemed appropriate, and shall assure that fire-fighting apparatus is located at reasonably safe positions.
- (4) The Incident Commander shall maintain on the scene a record of all operations and task assignments and shall be responsible for an accurate account of all necessary information required by all Michigan Fire Incident Reports of the Fire Marshall Division of the Michigan State Police.

(d) The Chief shall have the authority to demote, expel or otherwise discipline any officer or member of the Fire Department for neglect, insubordination, failure, refusal or inability to perform Departmental duties, failure to attend meetings or training sessions, loss of certification or other conduct detrimental to the Department, with such demotion, expulsion or other disciplinary action to be subject to appeal to the City Manager.

(e) No later than August 1 of each year, the Chief shall file with the City Manager a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing year.

(f) It shall be the duty of the Chief to submit a written report to the City Manager not later than February 1 of each year, and at such other times as the Chief deems appropriate, relating to the condition of the various pieces of apparatus and equipment, the number of incidents occurring since the previous report, the date of such incidents and the loss occasioned thereby, the numbers of members of each company of the Fire Department, the total number of active members of the Fire Department, and any resignations or expulsions from the Department since the preceding report. The Chief shall also report upon the drill and training programs of the Department, together with other pertinent information, including recommendations for such improvements as deemed proper and necessary for the operation of the Fire Department.

(g) The Chief shall be responsible for the enforcement of all fire prevention ordinances of the City, and State laws and regulations pertaining to fire prevention, and shall keep citizens informed of fire prevention practices and the activities of the Fire Department.

(h) The Chief shall keep a record of every incident to which any company was called and shall enter in such report the locality of the incident, the date, the time and all pertinent information required by the Michigan Fire Incident Reporting System.

(i) The Chief shall keep an inventory of all apparatus and equipment and an inventory of all hoses showing dates and results of tests on each length, which shall be individually identified.

(j) The Chief shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

(k) The Chief shall have control of all apparatus and equipment used by the Department and shall be responsible for its proper maintenance. The Chief may authorize members of the Fire Department to carry out any type of maintenance for apparatus, equipment or structures that may be deemed necessary for the effective operation of the Fire Department or to maintain fire-fighter or community safety consistent with the approved budget of the Fire Department. Emergency repair to apparatus or equipment which does not exceed five thousand dollars (\$5,000) may be authorized by the Fire Chief without first securing the prior approval of the City Manager, provided that such amounts are available within the approved budget of the Fire Department.

(l) The Chief shall be responsible for assuring that no fire-fighting equipment or apparatus shall be used for any purpose except for incident control and abatement, or in training therefor, except pursuant to an agreement approved by the City Manager upon recommendation of the Fire Chief. With approval of the Chief, such equipment and apparatus may be used for purposes other than incident control within the City limits, provided that a report of all such uses shall be made annually to Council.

250.04 CODE ENFORCEMENT OFFICIALS.

(a) The City Manager may, upon recommendation of the Fire Chief and approval of Council, appoint or designate a Code Enforcement Official, and as many Deputy Code Enforcement Officials as may be deemed necessary, for the purpose of enforcing applicable fire prevention codes and for the purpose of inspecting structures and conditions within the City as may be required by this chapter for fire safety and prevention.

(b) Code Enforcement Officials may inspect structures, premises and thoroughfares within the City for the purpose of identifying and causing to be corrected any condition liable to cause or contribute to fire or a release of hazardous materials, or any violations of applicable codes or regulations. Such Code Enforcement Officials shall also investigate and, when appropriate, issue permits in accordance with the regulations of the State Fire Marshall and all applicable fire prevention codes, for the storage and handling of explosives and inflammable liquids within the City. Such Code Enforcement Officials and the Fire Chief shall also perform such other duties as may be required by the State Fire Marshall.

(c) The Code Enforcement Officials shall file a complete report of all structures, premises and thoroughfares inspected as may be required by this chapter or by other law or by the State Fire Marshall and shall submit copies of such reports to the Fire Chief, the City Manager, the property owner and any other official agency requesting such reports. Such inspection reports shall be kept on file at the Negaunee Fire Station and/or the City Hall.

250.05 POWER AND AUTHORITY OF CHIEF AND INCIDENT COMMANDER; OBSTRUCTING AND ASSISTING FIRE-FIGHTERS.

(a) The Fire Chief or the Incident Commander at any incident, under the authority of the Department, is vested with full and complete police power and authority at the scene of such incident. Such power and authority shall include, but not necessarily be limited to, the following:

- (1) Any officer of the Department may cause the arrest of any person failing to give the right of way to Fire Department vehicles in responding to an incident.
- (2) The Fire Chief may prescribe certain limits at the scene of an incident within which no persons except fire-fighters and police officers, and those admitted by order of any officer of the Department, shall be permitted to enter.
- (3) The Fire Chief shall have the power to cause the removal of any property from fire, to prevent the spreading of fire or to protect adjoining property, and during the progress of any fire, the Chief shall have the power to order the removal or destruction of any property necessary to cause the removal of all wires or other facilities, and the turning off of all electricity or other services where the same impede the work of the Department during a fire or hazard abatement.
- (4) Any fire-fighter, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any burning structure or hazardous situation, and other property then on fire, for the purpose of extinguishing such fire.

(b) Any person who shall hinder, resist or obstruct any fire-fighter in the discharge of his or her duty as hereinabove provided shall be deemed guilty of resisting a fire-fighter in the discharge of his or her duty.

(c) Every person who shall be present at an incident such as a fire shall be subject to the orders of the Fire Chief or other officer in command and may be required to render assistance in fighting such fire or in removing or guarding property. The Fire Chief or other officer in command shall have the authority to cause the arrest of any person refusing to obey such orders.

250.06 CHARGES FOR SERVICES RENDERED BY THE DEPARTMENT.

(a) The Fire Department shall have the authority to bill insurance carriers for loss of or damage to equipment used in fighting any fire or abating any hazardous condition. Such service charges shall be billed to the company providing coverage to the owner upon whose property the incident occurred and shall not include charges for normal wear and usage of equipment or for the cost of consumables such as water or other extinguishing agents, or labor. Only equipment damaged or lost as a direct result of extinguishing a fire or other hazard abatement, at the specific site charged, shall be subject to such service charge. No service charge for any single piece of equipment or apparatus shall exceed the original purchase price of such equipment or apparatus, and such charges shall be prorated for usage whenever practical. Each such service charge shall be itemized and shall be payable to the City Treasurer.

(b) The Department shall impose a service charge for services rendered by it in connection with motor vehicle accidents. The amount of such service charge shall be the current apparatus hourly rate, described in the annual report of the Fire Chief submitted to the City Manager by February 1 of each year, and the current hourly rate for each fire-fighter responding to each such incident.

- (1) In motor vehicle accidents resulting in the issuance of citations by the investigating police agencies, the person or persons found responsible or guilty of any infraction causing or contributing to said motor vehicle accident shall be billed for the entire amount of such service charge.
- (2) In motor vehicle accidents where one or more parties are issued citations by the investigating police agency, and where more than one party is found responsible or guilty of any infraction causing or contributing to the occurrence of said motor vehicle accident, all such parties found responsible or guilty shall be jointly and severally liable for the entire amount of such service charges imposed by the Department.
- (3) If no citations are issued by the investigating police agency, the service charge imposed by the Fire Department shall be shared equally by all owners of all vehicles involved in said motor vehicle accident.

(c) In the event that equipment of the Department is lost or damaged in the course of providing mutual-aid assistance to the Fire Department of another jurisdiction pursuant to an existing mutual-aid agreement, the Department shall impose a charge for such lost or damaged equipment to the jurisdiction to which mutual-aid assistance was rendered, provided that the imposition of such charge does not violate the terms or conditions of the mutual-aid agreement.

(d) The Department shall impose a service charge upon the owner of any property located outside the Negaunee City limits to which the Department responds to a call for fire-fighting or hazard abatement services, if such call for services was made by the owner or occupant of such property. The Department shall also impose a service charge upon any other governmental entity to which the Department provides assistance in fire-fighting or hazard abatement if such request for assistance was made by the governmental entity, and if such other governmental entity was not a party to a mutual-aid assistance agreement with the City of Negaunee. The charges imposed upon such property owners or governmental entities shall be calculated in the same manner as the service charge described in subsection (b) hereof.

(e) Any site within the Negaunee City limits having any type of automatic warning device which will result in the automatic dispatching of the Department to such a site must maintain such system in good working order at all times. In the event of a false alarm for any reason as a result of the activation of the property owner's automated system, the following shall apply:

- (1) Each site is allowed one false alarm per calendar year from January 1 through December 31, without charge.
- (2) If a second false alarm occurs within such calendar year, the property owner shall be billed by the Department the hourly cost for each apparatus responding to such false alarm as established in the annual report of the Department submitted to the City Manager on or before February 1 of each year, and also the hourly cost of each fire-fighter responding to such false alarm.
- (3) Third and subsequent false alarms at the same site shall be billed service charges computed in the same manner as described in paragraph (b)(2) hereof.
- (4) All such false alarm charges shall be paid to the City Treasurer.

(f) All service charges and fees imposed by the Department under authority of this chapter shall be due and payable to the City Treasurer within thirty days after the mailing of written invoices therefor. If not paid within thirty days, the City may take all measures available to it by law to collect such charges.

250.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

CHAPTER 252
Department of Public Works

EDITOR'S NOTE: The Department of Public Works of the City comprises the Division of Water, the Division of Wastewater, the Division of Electricity and the Division of Cable Television.

There are no sections in Chapter 252. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Special assessments - see CHTR. Art. X
Municipally owned utilities - see CHTR. Art. XIII
Improvements in home rule cities - see M.C.L.A. §117.4d
Approval of public works projects by Planning Commission -
see M.C.L.A. §§125.39, 125.40
Cable Television Editorial Board - see ADM. Ch. 278
Water - see S.U. & P.S. Chs. 1042, 1044
Electricity - see S.U. & P.S. Ch. 1046

CHAPTER 260
Employees Generally

EDITOR'S NOTE: Because of the frequency of change, provisions relating to compensation and benefits are not codified. Copies of the latest relevant legislation may be obtained, at cost, from the City Clerk.

The City enters into agreements from time to time with representatives of various classes of Municipal employees. Such agreements provide for compensation, benefits and other incidents of employment. In the event of a conflict between any of the provisions of such agreements and a provision of these Codified Ordinances or of any other ordinance or resolution of Council, the provision of the agreement shall control. Copies of the latest relevant legislation and of such agreements may be obtained, at cost, from the City Clerk.

260.01	Definitions.
260.02	General employment policy.
260.03	Classified and exempt service.
260.04	Employees' status; probationary periods.
260.05	Administrative powers and duties of Personnel Director.
260.06	Disciplinary action; dismissal; demotion.
260.07	Preference for veterans.

CROSS REFERENCES

Elections - see CHTR. Art. II
 Removals and vacancies - see CHTR. Art. III
 Officers and employees generally - see CHTR. Art. VII
 Civil service - see CHTR. §7.7; M.C.L.A. §117.4i
 Municipal Employees' Retirement System - see M.C.L.A. §§38.601 et seq.
 Compensation and salaries in home rule cities - see M.C.L.A. §§117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33
 Local Officers Compensation Commission - see ADM. Ch. 286

260.01 DEFINITIONS.

As used in this chapter:

- (a) "Appointment" includes all means of selection, promotion, appointment or employment as to any person holding any office, place or position of employment in the classified service of the City.

- (b) "Board" means the Personnel Board of the City, as established in Chapter 280.
- (c) "Member" means a member of the Personnel Board.
- (d) "Personnel Director" means the City Manager.

260.02 GENERAL EMPLOYMENT POLICY.

It is hereby declared to be the personnel policy of the City that employment in the City government shall be based on merit and fitness, free of personal and political considerations. Just and equitable incentives of employment shall be established and maintained to promote efficiency and economy in the operation of the City government. Appointments and other actions requiring application of the merit principle shall be based on systematic evaluations. Tenure of employees covered by this chapter shall be subject to good behavior, honest and satisfactory performance of work, necessity for the performance of work and the availability of funds.

260.03 CLASSIFIED AND EXEMPT SERVICE.

All offices and positions of the City are divided into the classified and exempt service, as follows:

- (a) The exempt service shall include the following:
 - (1) All elected officials and members of boards and commissions, including the Election Commission and members of the various precinct election boards;
 - (2) The City Manager and the City Attorney;
 - (3) Volunteer personnel, including volunteer fire-fighters;
 - (4) Consultants and outside counsel rendering temporary professional service;
 - (5) Such positions involving seasonal or part-time employment, or which consist of unskilled work, as may be specifically placed in the exempt service by the City Manager.
- (b) The classified service shall include all other positions in the City service that are not specifically placed in the exempt service by this chapter.

260.04 EMPLOYEES' STATUS; PROBATIONARY PERIODS.

After May 23, 1982, all persons holding positions in the classified service shall have permanent status if they have held their present positions for at least six months immediately preceding such date. If they have held their positions for less than six months, then they shall serve a probationary period of six months from the time of their appointment before acquiring permanent status, except for police officers, who shall serve a probationary period of one year.

260.05 ADMINISTRATIVE POWERS AND DUTIES OF PERSONNEL DIRECTOR.

(a) Personnel in the classified service, volunteer fire-fighters and seasonal or part-time employees shall be administered by the Personnel Director, who shall:

- (1) Attend all meetings of the Personnel Board.
- (2) Administer all the provisions of this chapter.
- (3) Draft such rules as may be necessary to carry out the provisions of this chapter. Such rules shall be submitted to Council for adoption by resolution, whereupon they shall be given full force and effect. Amendments to the rules shall be made in accordance with the same procedure.
- (4) Prepare and recommend revisions and amendments to the personnel rules.
- (5) Maintain adequate records of the proceedings of the Personnel Board and of his or her own official actions, as well as the employment record of every employee.

(b) Council, upon recommendation of the Personnel Director, may contract with any qualified person or agency for the performance of such technical services as may be desired in the establishment and operation of the personnel program.

(c) All of the administrative and executive powers and duties pertaining to personnel management shall be vested in the Personnel Director, and such powers and duties are to be administered by him or her under the rules which have been adopted in accordance with this section. The Personnel Director shall have charge of applications for employment, the examination of all applicants for positions, and the certification of payrolls as to the duties and the rate of pay of all employees. He or she shall be the custodian of all personnel records and shall be the official upon or with whom all notices or requests for hearing, complaints and official documents relating to the personnel service shall be served or filed.

260.06 DISCIPLINARY ACTION; DISMISSAL; DEMOTION.

(a) When, in the judgment of the Personnel Director, an employee's work, performance or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay, provided that the employee's rights under the Veterans' Preference Act are respected, if said employee is entitled to the benefits thereof.

(b) Permanent employees may be dismissed or demoted whenever, in the judgement of the Personnel Director, the employee's work or misconduct so warrants, provided that said dismissal is in compliance with the Veterans' Preference Act, if said employee is entitled to the benefits thereof.

(c) During the course of any investigation, the Personnel Director may request any employee to attend a proceeding and testify thereat. Any employee refusing to do so may be subject to disciplinary action, as the Personnel Director shall determine, in accordance with this chapter.

260.07 PREFERENCE FOR VETERANS.

In all cases of appointments, promotions or removals, preference or priority shall be given to any veteran of the military or naval service of the United States in compliance with State or Federal law.

TITLE EIGHT - Boards, Commissions, Authorities and Bureaus

- Chap. 270. Planning Commission.
- Chap. 272. Board of Zoning Appeals.
- Chap. 274. Board of Review.
- Chap. 276. Library Board.
- Chap. 278. Cable Television Editorial Board.
- Chap. 280. Personnel Board.
- Chap. 282. Commission on Aging.
- Chap. 284. Housing Commission.
- Chap. 286. Local Officers Compensation Commission.
- Chap. 288. Recreation Commission.
- Chap. 290. Negaunee Downtown Development Authority.
- Chap. 292. Municipal Ordinance Violations Bureau.

CHAPTER 270
Planning Commission

EDITOR'S NOTE: Provisions relating to the Planning Commission are codified in Chapter 1220 of Part Twelve - the Planning and Zoning Code.

CHAPTER 272
Board of Zoning Appeals

EDITOR'S NOTE: Provisions relating to the Board of Zoning Appeals are codified in Chapter 1264 of Part Twelve - the Planning and Zoning Code.

CHAPTER 274
Board of Review

EDITOR'S NOTE: There are no sections in Chapter 274. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Taxation generally - see CHTR. Art. IX

Assessment of property subject to taxation - see
CHTR. §9.1

Board of Review - see CHTR. §§9.3 et seq.

Special assessments - see CHTR. Art. X

CHAPTER 276
Library Board

276.01	Establishment; composition; appointments.	276.03	Ex officio members.
276.02	Terms.	276.04	Officers; meetings.
		276.05	Duties.

CROSS REFERENCES

Libraries generally - see Mich. Const. Art. 8,
§9; M.C.L.A. §§397.11 et seq., 450.691 et seq.
City library reports - see M.C.L.A. §397.207
Contracts for joint municipal libraries - see M.C.L.A.
§§397.213 et seq.
Librarian - see ADM. Ch. 242

276.01 ESTABLISHMENT; COMPOSITION; APPOINTMENTS.

There is hereby established in and for the City a Library Board, which shall consist of five members to be appointed by the Mayor with the approval of Council.

276.02 TERMS.

The terms of the Library Board members shall be five years, unless an individual is appointed to serve the balance of someone else's term.

276.03 EX OFFICIO MEMBERS.

The Library Board may select ex officio representatives, which representatives may attend Board meetings, speak to the Board on all issues and work on committees, but shall have no voting power. The number of ex officio members shall not exceed three. No member of Council shall serve on the Board in any capacity.

276.04 OFFICERS; MEETINGS.

The Library Board shall select a President and a Secretary and shall meet at such times as the Board may determine.

276.05 DUTIES.

The Library Board shall have complete responsibility for management of the Library and for expenditures of all Library funds, consistent with the Charter, and shall have such other powers, duties and responsibilities as set forth in M.C.L.A. 397.205, as amended.

CHAPTER 278
Cable Television Editorial Board

278.01	Establishment; composition; appointments.	278.03	Membership.
278.02	Terms.	278.04	Officers; meetings.
		278.05	Responsibility.

CROSS REFERENCES

Notice of public meetings - see M.C.L.A. §15.264

Construction and maintenance of facilities - see M.C.L.A.
§§247.183 et seq.

Television and radio generally - see M.C.L.A. §§484.301 et
seq., 750.507 et seq.

Cables improperly located; insurance - see M.C.L.A. §500.3123

278.01 ESTABLISHMENT; COMPOSITION; APPOINTMENTS.

There is hereby established in and for the City a Cable Television Editorial Board, which shall consist of five members to be appointed by the Mayor with the approval of Council.

278.02 TERMS.

The terms of the Directors of the Cable Television Editorial Board shall initially be as follows:

- (a) One Director shall be appointed for a term of five years.
- (b) One Director shall be appointed for a term of four years.
- (c) One Director shall be appointed for a term of three years.
- (d) One Director shall be appointed for a term of two years.
- (e) One Director shall be appointed for a term of one year.

Upon the expiration of each term, a successor shall be appointed to a five-year term.

278.03 MEMBERSHIP.

Members of the Cable Television Editorial Board shall be from the City at large, and no member of Council shall serve on the Board in any capacity.

278.04 OFFICERS; MEETINGS.

The Cable Television Editorial Board shall select a President and a Secretary and shall meet at such times as the Board may determine.

278.05 RESPONSIBILITY.

The Cable Television Editorial Board shall have complete responsibility for the management of the editorial content of all City cable television service programming pursuant to the Cable Communications Policy Act of 1984, as amended.

CHAPTER 280
Personnel Board

280.01	Establishment; composition; qualifications; terms; vacancies; compensation; Chairperson.	280.02	Duties.
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CROSS REFERENCES

Recall - see CHTR. §3.4; M.C.L.A. §117.4i
 Civil service - see CHTR. §7.7; M.C.L.A. §117.4i
 Municipal Employees' Retirement System - see M.C.L.A. §§38.601 et seq.
 Compensation and salaries in home rule cities - see M.C.L.A. §§117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33
 Shortening or extending term of office - see M.C.L.A. §117.5
 Personnel Director - see ADM. Ch. 246, 260.05, 260.06

280.01 ESTABLISHMENT; COMPOSITION; QUALIFICATIONS; TERMS; VACANCIES; COMPENSATION; CHAIRPERSON.

There is hereby established in and for the City a Personnel Board, which shall consist of three members appointed by Council. The members shall be persons in sympathy with the application of merit principles to public employment. No member shall be employed by, or be an official of, the City, or be a member of any local or State committee of a political party, or hold or be a candidate for any elective office. Members shall serve for a term of three years, provided that in the appointment of the first Board, Council shall appoint one member for a term of one year, one for a term of two years and one for a term of three years. Vacancies occurring during the term shall be filled for the balance of the term. Members shall serve in an advisory capacity, without compensation, but funds shall be provided for reasonable and necessary expenses. The Board shall elect its own Chairperson.

280.02 DUTIES.

In addition to the duties set forth elsewhere in these Codified Ordinances, the Personnel Board shall:

- (a) Advise the Personnel Director and Council on matters relating to personnel policy.
- (b) Make any inquiry which it may consider desirable concerning personnel administration in the City service, and make recommendations to the Personnel Director or Council with respect thereto.

CHAPTER 282
Commission on Aging

282.01	Older person and senior citizen defined.	282.04	Employees.
282.02	Establishment; composition; appointments; terms; compensation; expenses.	282.05	Delivery of funds to City Treasurer.
282.03	Powers and duties.	282.06	Financial and accounting records.
		282.07	Budget.

CROSS REFERENCES

Discrimination generally - see Mich. Const. Art. 1, §2; M.C.L.A. §§37.1 et seq., 423.301 et seq., 750.146 et seq.

Inspection of motor vehicles used by senior citizen centers - see M.C.L.A. §257.715a

Commission on services to the aging - see M.C.L.A. §§400.583, 400.584

Bingo conducted by senior citizens organizations - see M.C.L.A. §§432.101 et seq.

282.01 OLDER PERSON AND SENIOR CITIZEN DEFINED.

As used in this chapter, the terms "older person" and "senior citizen" mean persons sixty years of age or older and their spouses.

282.02 ESTABLISHMENT; COMPOSITION; APPOINTMENTS; TERMS; COMPENSATION; EXPENSES.

There is hereby established in and for the City a Commission on Aging, which shall consist of nine members appointed by Council. The members initially appointed shall be divided into three groups of three members each, with terms for the members of each group expiring the first, second and third year, respectively, following their initial appointments to the Commission. Successive terms shall be for three years each in all cases, and all appointments to fill vacancies shall be for the unexpired term being filled. No compensation shall be furnished to the members of the Commission, except that, subject to the approval of Council, they may be reimbursed for their out-of-pocket expenses actually incurred in the performance of their duties as members of the Commission. All such expenses shall be submitted to the City Clerk.

282.03 POWERS AND DUTIES.

The Commission on Aging shall have the following powers and duties:

- (a) To plan, coordinate, evaluate and provide activities, services and programs for older persons, including the operation and maintenance of one or more buildings or locations designed to carry out such activities, services and programs.
- (b) To encourage and assist in the development of activities, projects, services and programs directed towards the older persons of the community.
- (c) To initiate, coordinate and administer applications for funds designated to carry out the powers and duties of the Commission, and to utilize any such funds in the execution of its powers and duties, all of which activities shall be subject to advance approval by Council. However, this provision shall not be construed to give the Commission the power to borrow money without the advance consent of Council.
- (d) To collect, analyze and disseminate data concerning services which affect older persons and cooperate with political subdivisions and private programs for the purpose of reviewing and evaluating such services.
- (e) To present to Council, for its approval, proposed contracts which arise from and concern the performance of the powers and duties of the Commission, and, subject to the authority of the City Manager, to administer such contracts after they have been approved by Council.
- (f) To elect from its membership a Chairperson, Secretary and Treasurer and such assistant or vice-officers as it deems appropriate.
- (g) To adopt such reasonable bylaws, rules and regulations, which are not in conflict with the City Charter or this chapter, as may be necessary for its own government and for the full and complete execution of its power and duties.
- (h) To report on a monthly basis to Council, or otherwise as Council may direct, with regard to the status of its programs and services.
- (i) To do any other act or thing arising from or concerning the performance of its powers and duties, which Council deems necessary, so long as such activities are not in conflict with any applicable laws or the City Charter.

282.04 EMPLOYEES.

The employment and termination of all personnel of the Commission on Aging shall be governed by the City Charter, any rules or ordinances promulgated by Council and appropriate State statutes. The Commission may make personnel recommendations to the City Manager. The employment policies and practices established by the City Manager shall be strictly adhered to.

282.05 DELIVERY OF FUNDS TO CITY TREASURER.

The Commission on Aging shall deliver all monies and evidences of value to the custody of the City Treasurer, pursuant to the terms of Article VI, Section 6.9(b), of the City Charter.

282.06 FINANCIAL AND ACCOUNTING RECORDS.

The Commission on Aging shall maintain financial and accounting records in accordance with the requirements of the City Charter and as otherwise provided by law or applicable rules and regulations. Such records shall be made available to the City Clerk on a monthly basis and shall be subject to audit, pursuant to State and local law.

282.07 BUDGET.

The Commission on Aging shall submit a proposed budget to the City Manager on or before the first day of July each year.

CHAPTER 284
Housing Commission

EDITOR'S NOTE: Copies of the Bylaws of the Negaunee Housing Commission may be obtained, at cost, from the City Clerk.

284.01	Establishment; composition; residency requirement; appointment; terms.	284.04	Employees; supervision; compensation.
284.02	Powers and duties.	284.05	Conflicts of interest.
284.03	Designation of members as Commissioners; officers; adoption of bylaws, rules and regulations; compensation.	284.06	Reports.

CROSS REFERENCES

Municipal housing commissions - see M.C.L.A. §§125.653 et seq.

Adoption, promulgation and publication of rules - see M.C.L.A. §125.694b

Acquisition and maintenance of housing projects - see M.C.L.A. §§125.731 et seq.

284.01 ESTABLISHMENT; COMPOSITION; RESIDENCY REQUIREMENT; APPOINTMENT; TERMS.

There is hereby established in and for the City a Housing Commission, which shall consist of five members who must be residents of the City. They shall be appointed by the Manager and serve for the terms provided by State statute.

284.02 POWERS AND DUTIES.

The Housing Commission shall constitute a Municipal authority and shall perform the duties and have the powers granted to it by State statute.

284.03 DESIGNATION OF MEMBERS AS COMMISSIONERS; OFFICERS; ADOPTION OF BYLAWS, RULES AND REGULATIONS; COMPENSATION.

The five members of the Housing Commission shall be designated as Commissioners and shall select a Chairperson and Vice-Chairperson and adopt bylaws, rules and regulations as provided by State statute. Such Commissioners shall receive no salary and may be removed for cause as provided by State statute.

284.04 EMPLOYEES; SUPERVISION; COMPENSATION.

The Housing Commission is hereby authorized to hire such employees as it deems necessary to carry out its functions. Said employees shall be under the direct supervision of the Housing Director. All compensation for such employees shall be subject to the approval of the City Manager.

284.05 CONFLICTS OF INTEREST.

No Commissioner or employee of the Housing Commission shall acquire any interest in any plan, project or contract of the Commission. In the event that any such Commissioner or employee acquires any interest in any plan, project or contract, or anything proposed by such Commission, he or she shall make a complete written report, which shall be entered upon the minutes of such Commission.

284.06 REPORTS.

The Housing Commission shall present an annual report to Council and any other reports as may be required.

CHAPTER 286
Local Officers Compensation Commission

286.01	Establishment; composition; terms; vacancies; conflicts of interest.	286.03	Meetings; quorum; Chairperson; compensation; expenses.
286.02	Determination of salaries; rejection by Council; expense allowances.	286.04	Implementation of chapter; revision of compensation procedure.

CROSS REFERENCES

Compensation of Council - see CHTR. §4.4

Compensation and salaries in home rule cities -

see M.C.L.A. §§117.3, 117.5, 117.17, 117.19,
117.20, 117.28, 117.32, 117.33

Employees generally - see ADM. Ch. 260

286.01 ESTABLISHMENT; COMPOSITION; TERMS; VACANCIES; CONFLICTS OF INTEREST.

There is hereby established in and for the City a Local Officers Compensation Commission, which shall consist of five members, who are registered electors of the City, appointed by the Mayor, subject to confirmation by a majority of the members elected and serving on Council. The terms of office shall be five years, except that of members first appointed, one each shall be appointed for terms of one, two, three, four and five years. All first members shall be appointed within thirty days after the effective date of this section. Thereafter, members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term in the same manner in which original appointments are made. No member or employee of the legislative, judicial or executive branch of any level of government, or member of the immediate family of such member or employee, shall be eligible to be a member of the Commission.

286.02 DETERMINATION OF SALARIES; REJECTION BY COUNCIL; EXPENSE ALLOWANCES.

The Local Officers Compensation Commission shall determine the salaries of all locally elected officials, which determination shall be final unless Council, by resolution adopted by two-thirds of the members elected to and serving thereon, rejects such salaries. The determinations of the Commission shall be effective thirty days following their filing with the City Clerk, unless rejected by Council. In case of rejection, the existing salary shall prevail. Any expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred during the course of City business and accounted for to the City.

286.03 MEETINGS; QUORUM; CHAIRPERSON; COMPENSATION; EXPENSES.

The Local Officers Compensation Commission shall meet for not more than fifteen session days in every odd-numbered year and shall make its determination within forty-five calendar days of its first meeting. A majority of the members of the Commission constitute a quorum for conducting the business of the Commission. The Commission shall take no action or make determinations without a concurrence of a majority of the members appointed and serving on the Commission. The Commission shall elect a Chairperson from among its members. As used in this section, "session days" means any calendar day on which the Commission meets and a quorum is present. The members of the Commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

286.04 IMPLEMENTATION OF CHAPTER; REVISION OF COMPENSATION PROCEDURE.

Council shall implement the provisions of this chapter by resolution. After one year following the effective date of this chapter, the procedure for establishing the compensation of elected officials may be changed by Charter amendment or revision.

CHAPTER 288
Recreation Commission

288.01	Establishment; composition; terms; vacancies.	288.05	Control of Commission.
288.02	Officers; adoption of bylaws, rules and regulations.	288.06	Budget; solicitation and acceptance of donations; audit.
288.03	Duties.	288.07	Reports.
288.04	Superintendent of Recreation; other employees.		

CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, §23
 Recreation Department - see CHTR. §18.7
 Recreation facilities in home rule cities - see M.C.L.A. §117.4e
 Sale of park property - see M.C.L.A. §117.5
 Misapplication of park funds - see M.C.L.A. §123.67
 Recreation areas in subdivisions - see P. & Z. 1246.07(a)

288.01 ESTABLISHMENT; COMPOSITION; TERMS; VACANCIES.

There is hereby established in and for the City a Recreation Commission, which shall consist of seven members, two of whom shall be appointed by the Mayor, with the approval of Council, two of whom shall be appointed by the President of the Board of Education, with the approval of such Board, and three of whom shall be appointed by the President of the Recreation Commission, with the approval of Council. All members shall serve for a period of two years or until their successors qualify, except that when the Commission is first organized, one member appointed by the Mayor, the President of the Board of Education and the President of the Recreation Commission shall be appointed for one year only in order to stagger the terms of office, thereby insuring some continuity in the thinking of the Commission from year to year. Vacancies in such Commission, occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointment.

288.02 OFFICERS; ADOPTION OF BYLAWS, RULES AND REGULATIONS.

Immediately after their appointment, members of the Recreation Commission shall meet and organize by electing one of their members as President and by electing such other officers as may be necessary. The Commission shall have the power to adopt bylaws, rules and regulations, for the proper conduct of public recreation for the City and the Negaunee School Board.

288.03 DUTIES.

The Recreation Commission shall provide, conduct and supervise public playgrounds, athletic fields, recreation centers and other recreational facilities and activities on any of the properties owned or controlled by the City or the Negaunee City Schools or on other properties with the consent of the owners and authorities thereof. It shall have the power to conduct any form of recreational or cultural activity that will employ the leisure time of the people in a constructive and wholesome manner.

288.04 SUPERINTENDENT OF RECREATION; OTHER EMPLOYEES.

The Recreation Commission shall have the power to appoint or designate someone to act as Superintendent of Recreation, who is trained and properly qualified for the work, and such other personnel as the Commission deems proper.

288.05 CONTROL OF COMMISSION.

The Recreation Commission shall be a completely independent Commission, not subject to the control of either the City or the Negaunee School Board, except as otherwise provided in this chapter.

288.06 BUDGET; SOLICITATION AND ACCEPTANCE OF DONATIONS; AUDIT.

(a) Annually, the Recreation Commission shall submit a complete revenue and expenditure budget to the City and the Board of Education for their approval. The Commission may also solicit or receive any gifts or bequests of money or other personal property or donations, and such money, property or donations shall be applied for either temporary or permanent use for playgrounds or other recreational purposes.

(b) Annually, there shall be a complete financial audit of the operation of the Commission, which audit shall be submitted to the City and other financing agencies.

288.07 REPORTS.

The Recreation Commission shall make a summary monthly report and a full and complete annual report to the governing bodies, and other reports from time to time as requested by such governing bodies.

CHAPTER 290
Negaunee Downtown Development Authority

290.01	Establishment; boundaries of downtown development district.	290.03	Powers and duties.
290.02	Composition; appointments; terms; vacancies; compensation; Chairperson; expenses.	290.04	Adoption of rules; meetings; records; quorum; officers; employees; compensation; expenses.
		290.05	Removal of members by Council.

CROSS REFERENCES

Municipal bonds - see CHTR. §§12.3 et seq.; M.C.L.A. §§117.4a, 117.4b, 117.4e, 117.4g, 117.5, 117.14a, 117.35a

Improvements in home rule cities - see M.C.L.A. §§117.4d et seq.

Business area redevelopment projects - see M.C.L.A. §§125.981 et seq.

Downtown development authorities - see M.C.L.A. §§125.1651 et seq.

290.01 ESTABLISHMENT; BOUNDARIES OF DOWNTOWN DEVELOPMENT DISTRICT.

There is hereby established in and for the City a Negaunee Downtown Development Authority, pursuant to Act 197 of the Public Acts of 1975, as amended. The boundaries of the downtown development district shall be as follows: A parcel of land situated in the City of Negaunee, County of Marquette, State of Michigan, more particularly described as follows, to-wit:

Commencing at the intersection of the centerline of Tobin Street and Jackson Street, thence south on Tobin Street to the northwest corner of Lot 88 of the Iron Plat Addition, thence southeasterly along the north lot line of Lot 88 to the centerline of Gold Street; thence south along the centerline of Gold Street to Copper Street; thence east along the centerline of Copper Street to Silver Street; thence north along the

centerline of Silver Street to Rail Street; thence east along the centerline of Rail Street to the centerline of Division Street; thence south along the centerline of Division Street 300 feet; thence east 750 feet; thence northwesterly to the intersection of the centerline of Teal Lake Avenue and Case Streets; thence west along the centerline of Case Street to the centerline of Jackson Street; thence west on Jackson Street to the point of beginning.

290.02 COMPOSITION; APPOINTMENTS; TERMS; VACANCIES; COMPENSATION; CHAIRPERSON; EXPENSES.

The Negaunee Downtown Development Authority shall be composed of nine members, consisting of the City Manager and eight members appointed by the Mayor, subject to the approval of Council. At least five members shall be persons having an interest in property located in the downtown development district, and at least one member shall be a resident of the downtown development district.

Of the members first appointed, two shall be appointed for one year, two shall be appointed for two years, two shall be appointed for three years and two shall be appointed for four years. A member shall hold office until the member's successor is appointed. Thereafter, a member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the Mayor and approved by Council for the unexpired term only. Members of the Authority shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The Chairperson of the Authority shall be elected by the members.

290.03 POWERS AND DUTIES.

The Negaunee Downtown Development Authority shall have all the powers and duties set forth in Act 197 of Public Acts of 1975, as amended.

290.04 ADOPTION OF RULES; MEETINGS; RECORDS; QUORUM; OFFICERS; EMPLOYEES; COMPENSATION; EXPENSES.

The Negaunee Downtown Development Authority shall adopt its own rules governing its procedure and the holding of regular meetings. Special meetings may be held when called in the manner provided in the rules of the Authority. Meetings of the Authority shall be open to the public, and a record shall be kept of all proceedings. Five members shall constitute a quorum for the transaction of business. A Chairperson and Vice-Chairperson shall be elected by the Authority. The Authority may appoint a Director, who may also serve as Secretary, and such other employees or officers as shall be necessary. The Authority shall prescribe the duties of all its officers and employees and fix their compensation. All expense items of the Authority shall be publicized monthly, and financial records shall be open to the public.

290.05 REMOVAL OF MEMBERS BY COUNCIL.

After providing notice and an opportunity to be heard, a member of the Negaunee Downtown Development Authority may be removed for cause by Council.

CHAPTER 292
Municipal Ordinance Violations Bureau

292.01	Definitions.	292.04	Municipal civil infraction citations; contents.
292.02	Municipal civil infractions action; commencement.	292.05	Establishment, control and powers of Bureau.
292.03	Municipal civil infraction citations; issuance and service.	292.06	Schedule of civil fines established.

CROSS REFERENCES

Authority of Council re penalties - see CHTR. §5.13
General Code penalty - see ADM. 202.99
Parking Violations Bureau - see TRAF. Ch. 440
Traffic citations - see TRAF. 440.05

292.01 DEFINITIONS.

As used in this chapter:

- (a) Act. "Act" means Act 236 of the Public Acts of 1961, as amended.
- (b) Authorized City Official. "Authorized City Official" means a police officer or other personnel of the City authorized by this Code or any ordinance or resolution of Council to issue Municipal civil infraction citations or Municipal civil infraction violation notices.
- (c) Bureau. "Bureau" means the City of Negaunee Municipal Ordinance Violations Bureau as established by this chapter.
- (d) Municipal Civil Infraction. "Municipal civil infraction" means an act or omission that is prohibited by these Codified Ordinances or any ordinance of the City, but which is not a crime under these Codified Ordinances or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act 236 of the Public Acts of 1961, as amended. A Municipal civil infraction is not a lesser included offense of a violation of these Codified Ordinances that is a criminal offense.
- (e) Municipal Civil Infraction Action. "Municipal civil infraction action" means a civil action in which the defendant is alleged to be responsible for a Municipal civil infraction.

- (f) Municipal Civil Infraction Citation. "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.
- (g) Municipal Civil Infraction Notice. "Municipal civil infraction notice" means a written notice prepared by an authorized City official, directing a person to appear at the City of Negaunee 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 Act.

**292.02 MUNICIPAL CIVIL INFRACTIONS ACTION;
COMMENCEMENT.**

A Municipal civil infraction action may be commenced upon the issuance by an authorized City official of:

- (a) A Municipal civil infraction citation directing the alleged violator to appear in Court; or
- (b) A Municipal civil infraction notice directing the alleged violator to appear at the City of Negaunee Municipal Ordinance Violations Bureau.

**292.03 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE
AND SERVICE.**

Municipal civil infraction citations shall be issued and served by authorized City officials as follows:

- (a) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (b) The place for appearance specified in a citation shall be the 96th District Court.
- (c) Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the City and issued to the alleged violator as provided by Section 8705 of the Act.
- (d) A Municipal civil infraction citation signed by an authorized City official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the citation, and if the citation contains the following statement immediately above the date and signature of the official:
 - " I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge and belief."
- (e) An authorized City official who witnesses a person committing a Municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a Municipal civil infraction citation or a Municipal civil infraction notice.

- (f) An authorized City official may issue a Municipal civil infraction citation or a Municipal civil infraction notice to a person if:
 - (1) Based upon investigation the official has reasonable cause to believe that the person is responsible for a Municipal civil infraction; or
 - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a Municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and the Prosecuting Attorney or the City Attorney approves in writing the issuance of the citation.
- (g) Municipal civil infraction citations and Municipal civil infraction notices shall be served by an authorized City official as follows:
 - (1) Except as provided in paragraph (g)(2) hereof and in Section 292.05(g), an authorized City official shall personally serve a copy of a citation or notice upon the alleged violator.
 - (2) If the Municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation or notice does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or other structure by posting the copy on the land or attaching a copy to the building or structure. In addition, a copy of the citation or notice shall be sent by first class mail to the owner of the land, building or structure at such owner's last known address.

292.04 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS.

- (a) A Municipal civil infraction citation shall contain the name and address of the alleged violator, the Municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (b) Further, such citation shall inform the alleged violator that he or she may do one of the following:
 - (1) Admit responsibility for the Municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
 - (2) Admit responsibility for the Municipal civil infraction "with explanation," by mail by the time specified for appearance, or in person or by representation.
 - (3) Deny responsibility for the Municipal civil infraction by doing either of the following:
 - A. Appearing in person for an informal hearing before a judge or District Court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the City.
 - B. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.

- (c) The citation shall also inform the alleged violator of the following:
- (1) That if the alleged violator desires to admit responsibility "with explanation" in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation, within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
 - (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the City.
 - (4) That at an informal hearing the alleged violator must appear in person before a judge or District Court magistrate, without the opportunity of being represented by an attorney.
 - (5) That at a formal hearing the alleged violator must appear in person before the judge with the opportunity of being represented by an attorney.

(d) The citation shall contain a notice in bold-face type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the violator on the Municipal civil infraction.

292.05 ESTABLISHMENT, CONTROL AND POWERS OF BUREAU.

(a) ~~Establishment; Supervision and Control by Manager.~~ Pursuant to Section 8396 of Act 12 of the Public Acts of 1994, as amended, there is hereby established a Municipal Ordinance Violations Bureau in the City for the purpose of accepting admissions of responsibility for Municipal civil infractions and collecting and retaining civil fines and costs provided for in the schedule provided for in this chapter and in Section 202.99. The Bureau shall be under the supervision and control of the City Manager.

(b) ~~Location; Supervision; Organization; Administration.~~ The Bureau shall be located at the Negaunee City Hall. The City Manager shall, subject to the approval of Council, appoint qualified City employees to administer the Bureau and adopt rules and regulations for the operation thereof.

(c) Disposition of Violations; Other Remedies. The Bureau may dispose of Municipal civil infraction violations for which a Municipal civil infraction notice has been issued and for which specific fines and costs are prescribed in the schedule provided for in this chapter and/or in Section 202.99. Nothing in this chapter shall prevent or restrict the City from filing a Municipal civil infraction citation with the District Court or otherwise limit the remedies available to the City for violations of these Codified Ordinances. No person shall be required to dispose of a Municipal civil infraction at the Bureau, and 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. Further, the fines set forth in the schedule provided for in this chapter and in Section 202.99 shall apply only to admissions of responsibility made at the Bureau and shall in no way bind or restrict the discretion of any court in formulating a remedy for the commission of a Municipal civil infraction.

(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 Notices. Municipal civil infraction notices shall be issued and served by authorized City officials under the same circumstances and upon the same persons as provided for citations in Section 292.03(f) and (g). In addition to any other information required by these Codified Ordinances or any 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 notice shall appear at the Bureau and pay the specified fine and costs at or by the time specified for acceptance in the Municipal civil infraction 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 civil infraction notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by ordinance for the violation are not paid at the Municipal Ordinance Violations Bureau, a Municipal civil infraction citation may be filed with the District Court and a copy of such 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 and served upon the alleged violator shall comply with the provisions of Section 292.04.

292.06 SCHEDULE OF CIVIL FINES ESTABLISHED.

(a) The civil fines payable to the Bureau for admissions of responsibility by persons served with Municipal civil infraction notices shall be:

- (1) Fifty dollars (\$50.00) for the first offense within any twelve-month period;
- (2) One hundred dollars (\$100.00) for a second or any subsequent Municipal civil infraction of the same requirement or provision of these Codified Ordinances committed by any person within any twelve-month period for which such person admits responsibility.

(b) This schedule, as amended from time to time, shall be posted at the Bureau.

TITLE TEN - Judiciary
Chap. 298. District Court.

CHAPTER 298
District Court

EDITOR'S NOTE: Violations of Municipal law are prosecuted in the 96th District Court of the State of Michigan. Equitable remedies are pursued in Courts of competent jurisdiction.

There are no sections in Chapter 298. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Courts generally - see Mich. Const. Art. 6, §§1 et seq.;
M.C.L.A. §§600.101 et seq.

Circuit Courts generally - see Mich. Const. Art. 6, §1;
M.C.L.A. §§600.501 et seq.

District Courts generally - see M.C.L.A. §§600.8101 et seq.

General Code penalty - see ADM. 202.99

Municipal Ordinance Violations Bureau - see ADM. Ch. 292

Parking Violations Bureau - see TRAF. Ch. 440