

CODIFIED ORDINANCES OF CASEVILLE

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- Chap. 202. Codified Ordinances.
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EDITOR’S NOTE: In 2010, the Village of Caseville became the City of Caseville. Whenever the terms “Village” or “Village of Caseville” appear in this Code, they shall mean “City” or “City of Caseville.”

CHAPTER 202
Codified Ordinances

<p>202.01 Designation; citation; headings.</p> <p>202.02 Amendments and supplements; numbering.</p> <p>202.03 Definitions and interpretation.</p> <p>202.04 Notices.</p> <p>202.05 Liberal construction; severability.</p>	<p>202.06 Sections and ordinances repealed.</p> <p>202.07 Exemptions from repeal.</p> <p>202.08 Copies of Codified Ordinances.</p> <p>202.99 General Code penalty; complicity.</p>
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CROSS REFERENCES

Compilation or codification required - see CHTR. Sec. 7.8
Codification; procedure re adoption - see M.C.L.A. 66.3a, 78.24a
Ordinances and resolutions - see ADM. Ch. 222

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 Caseville, Michigan, 1990, 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.

(a) The Codified Ordinances of Caseville 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 Caseville 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.

202.03 DEFINITIONS AND INTERPRETATION.

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 Caseville pursuant to law.
- (2) Authority. Whenever in the 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) City. The City of Caseville. Where the term "Village" appears in this code, it shall mean "City."
- (5) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.
- (6) Council. "Council" means the City Council of the Municipality.
- (7) County. "County" means the County of Huron, 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 to 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.
- (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 Caseville.
- (14) Municipality or City or Village. "Municipality" or "City" or "Village" means the City of Caseville, Michigan.
- (15) Number. Words in the plural include the singular and words in the singular include the plural number.

- (16) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An affirmation shall have the same force and effect as an oath.
- (17) Ordinance. "Ordinance" means and includes any ordinance of the Municipality, including any provision of these Codified Ordinances.
- (18) 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.
- (19) 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.
- (20) Premises. "Premises," when used as applicable to property, extends to and includes land and buildings.
- (21) 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.
- (22) 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.
- (23) 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.
- (24) 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.
- (25) Residence. "Residence" means an abode in which a person permanently resides.
- (26) Shall and May. "Shall" is mandatory; "may" is permissive.
- (27) 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.
- (28) State. "State" means the State of Michigan.
- (29) 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.

- (30) 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.
- (31) Tenses. The use of any verb in the present tense includes the future.
- (32) 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.
- (33) 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.
- (34) Village. Where the term "Village" or "Village of Caseville" appears it shall mean "City" or "The City of Caseville."

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 or of State law, shall be served:

- (1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some 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 the 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) No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Village officer unless permission is given by such officer to remove such notice or placard.

202.05 LIBERAL CONSTRUCTION; 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 Village. 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.

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.

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 COPIES OF CODIFIED ORDINANCES.

Each copy of the Codified Ordinances distributed to an officer or employee of the Village shall remain the property of the Village and shall be turned over by such officer or employee, upon expiration of his or her term of office or employment with the Village, to the Village Clerk for reassignment.

202.99 GENERAL CODE PENALTY; COMPLICITY.

(a) General Penalty. Whenever, in these Codified Ordinances, or in any technical or other code adopted by reference in these Codified Ordinances, or in 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, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision 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 or noncompliance 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 or noncompliance with 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 and on conviction shall be punished as if he or she had directly committed such offense.

CHAPTER 204
Boundaries

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

Boundaries - see CHTR. Sec. 1.2

Changing boundaries - see M.C.L.A. Sec. 74.6

Boundaries of Downtown Development District - see ADM. 290.02

Destruction of boundary markers - see GEN. OFF. 666.01(18)

Boundaries of Village Harbor - see S.U. & P.S. 1062.01

CHAPTER 206
Official Standards

EDITOR'S NOTE: The Village of Caseville was incorporated by resolution of the Board of Supervisors of Huron County on October 15, 1898. Copies of such resolution may be obtained, at cost, from the Village or the County offices.

There are no sections in Chapter 206. 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, Sec. 3; M.C.L.A. Secs. 2.41 et seq.

Village seal - see M.C.L.A. Sec. 78.1

Seal of municipal sewage disposal authority - see M.C.L.A. Sec. 124.284

Seal of municipal water supply authority - see M.C.L.A. Sec. 124.284

Weights and measures - see M.C.L.A. Secs. 290.601 et seq.; 750.561 et seq.

CHAPTER 208
Purchasing, Contracts and Sales

208.01	Definitions.	208.08	Open order accounts.
208.02	Items to be paid by direct payment process.	208.09	Conference or seminar attendance requests.
208.03	Purchases in excess of the formal purchase limit; competitive sealed bids required.	208.10	Emergency procurement.
208.035	Competitive sealed bids for contracts of \$20,000 or more; compliance with State law. (Repealed)	208.11	Sole source procurement.
208.04	Cancellation of invitations for bids or requests for proposals.	208.12	Sale or disposal of obsolete or surplus supplies.
208.05	Formal purchase limit.	208.13	Cooperative purchasing; State and/or Federal grants
208.06	Informal purchase limit.	208.14	Unauthorized purchases.
208.07	Self-purchase limit.	208.15	Fiscal year purchasing cut-off. (Repealed)
		208.16	Procurement, labeling and recording of recycled products. (Repealed)
		208.17	Purchase orders.
		208.18	Rules and regulations.

CROSS REFERENCES

Intergovernmental contracts - see CHTR. Sec. 2.4
Purchases and contracts - see CHTR. Ch. 12
Duties and authority of Manager re purchasing - see ADM. 232.07
Sales of abandoned vehicles - see TRAF. 410.04 (UTC Sec. 2.5g)
Nondiscrimination clauses in contracts - see GEN. OFF. 616.01
Sale of bonds for water system - see S.U. & P.S. 1040.10 et seq.
Garbage collection contracts - see S.U. & P.S. 1060.09

208.01 DEFINITIONS.

As used in this chapter:

- (a) "Construction" means the process of building, altering, repairing, improving or demolishing any City structure or building, or other City improvements of any kind to any City real property.
- (b) "Contract" means all types of City agreements, regardless of what they might be called, for the procurement of supplies, services or construction.
- (c) "Contractor" means any person having a contract with the City.

- (d) "Council" means the Caseville City Council.
 - (e) "Formal purchase limit" means the dollar amount that is set by the City Council as the limit that if exceeded requires the competitive sealed bid process.
 - (f) "Informal purchase limit" means the dollar amount range that is set by the City Council that is less than the formal purchase limit but exceeds the self purchasing limit.
 - (g) "Invitation for bids" means the complete assembly of related documents, whether attached or incorporated by reference, furnished to prospective bidders for the purpose of soliciting sealed bids.
 - (h) "Open purchase order accounts" means those vendor accounts that are established annually by the City Council. The use of the formal or informal purchase limit procedure, whichever applies, is used once annually for repetitive purchases of the same service or supply.
 - (i) "Procurement" means purchasing, renting, leasing or otherwise acquiring for monetary consideration any supplies, services, or construction items for the City.
 - (j) "Request for proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.
 - (k) "Responsive bidder" means a person who has submitted a bid which conforms in all respects to the requirements set forth in the invitation for bids.
 - (l) "Self purchasing limit" means the dollar amount that is less than the informal purchase limit amount.
 - (m) "Services" means the furnishing of labor, time or effort by a person, except that the term does not include the furnishing of labor, time or effort by any City employee, whether performed pursuant to a collective bargaining agreement or not, or appointed or elected officials, or the hiring of outside legal counsel or expert witnesses to assist the City Attorney in legal matters.
 - (n) "Supplies" means all property, including, but not limited to, equipment, materials and printing, but excluding insurance, any land or any interest in land or any benefit that is specifically provided for in any collective bargaining agreement.
- (Ord. 91-4. Passed 8-12-91; Ord. 2005-02. Passed 3-14-05.)

208.02 ITEMS TO BE PAID BY DIRECT PAYMENT PROCESS.

The following non-competitive purchases shall be paid on direct payment claim vouchers:

- (a) Advertisements in periodicals;
- (b) Firms providing deposition and court transcript services, including register of deeds documents and surveyors' documents;
- (c) Renewable dues and subscriptions;
- (d) Medical services;

- (e) Publications and copyrighted materials;
- (f) Insurance deductibles/payments;
- (g) Lease payments;
- (h) Postage;
- (i) Utility charges;
- (j) Any further items deemed to be direct payments by the City Council as established by resolution.

Direct payments shall be reviewed by the City Council on a monthly basis.

(Ord. 91-4. Passed 8-12-91.)

**208.03 PURCHASES IN EXCESS OF THE FORMAL PURCHASE LIMIT;
COMPETITIVE SEALED BIDS REQUIRED.**

(a) When the estimated cost of purchases equals or exceeds the formal purchase limit designated by the City Council, all supplies, service and construction items, except as otherwise provided, shall require the development of a request for proposal, except when deemed impractical or inappropriate by a majority vote of the City Council, or in the case of an emergent need.

(b) The City Council and/or City Supervisors shall provide for the procurement of competitive sealed bids as follows:

- (1) Bids shall be solicited from responsible prospective suppliers.
- (2) Bids shall be sealed and identified as a bid on the envelope and submitted to the City Office.
- (3) Bids shall be opened in public at the time and place stated in the public announcement. Bids may be opened during a committee meeting if a recommendation to Council is to be made by a specific committee. Each bid, together with the name of the bidder, shall be recorded and the tabulation of all bids received shall be available for public inspection in the City Office.
- (4) An invitation for bids may be cancelled, or any or all bids or proposals may be rejected, in whole or in part, as specified in the invitation for bids, when such rejection or cancellation is determined by the City Council and/or City Supervisors to be in the best interests of the City.
- (5) The City Council and/or City Supervisors shall not knowingly accept the bid of a person who is in default in the payment of any taxes, licenses, fees, permits or any other moneys due the City or who is in any other respects disqualified according to any Federal or State law or any Municipal ordinance provision. A contract with a person who is discovered to have been in default or disqualified at the time of the awarding of the contract shall be voidable.
- (6) In determining the best responsible bidder, in addition to price, the City Council and/or City Supervisors shall consider:

- A. The ability, capacity and skill of the bidder to perform the contract or provide the services or supplies required;
- B. Whether or not the bidder can perform the contract or provide the services or supplies promptly or within the time specified, without delay or interference;
- C. The character, integrity, reputation, judgment, experience and efficiency of the bidder in business;
- D. The quality of performance and time of completion by the bidder of previous contracts or services;
- E. The previous and existing compliance by the bidder with laws and ordinances relating to contract performance;
- F. The sufficiency of the financial resources, equipment and personnel resources, and the ability of the bidder to satisfactorily perform the contract or provide the services or supplies;
- G. The quality, availability and adaptability of the supplies or services to the particular use required;
- H. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- I. The number and scope of any additional, limiting or qualifying conditions attached to the bid by the bidder; and
- J. Whether the supplies are recyclable, biodegradable or otherwise compatible with environmental concerns.

The failure of a bidder to promptly supply information in connection with any inquiry from the City Council and/or City Supervisors with respect to any of the provisions enumerated herein may be grounds for a determination of non-responsibility with respect to such bidder.

- (7) The respective committee shall make a recommendation to the City Council and they shall have the sole responsibility and the authority to award any City contract for supplies, services or construction items when the contract amount exceeds the formal purchase limit as designated by the City Council. When the award is not given to the lowest bidder, a written statement of the reasons for placing the award with a bidder who is not the lowest bidder shall be filed with the other papers relating to the bid. The written statement shall be available for public inspection in the City Office.
(Ord. 2000-2. Passed 3-20-00; Ord. 2005-02. Passed 3-14-05; Ord. 2015-05. Passed 9-14-15.)

208.035 COMPETITIVE SEALED BIDS FOR CONTRACTS OF \$20,000 OR MORE; COMPLIANCE WITH STATE LAW. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 2005-02, passed March 14, 2005.)

208.04 CANCELLATION OF INVITATIONS FOR BIDS OR REQUESTS FOR PROPOSALS.

An invitation for bids, a request for proposals or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part, as may be specified in the solicitation, when it is for good cause and in the best interests of the City. The reasons shall be made part of the contract file and shall be available for inspection in the City Office. Notice of cancellation shall be sent to all businesses from which bids were solicited.

(Ord. 91-4. Passed 8-12-91.)

208.05 FORMAL PURCHASE LIMIT.

(a) All purchases of supplies, services and construction items with a value in the formal purchase limit range must be approved by the City Council after recommendation by the respective committee. The City Council shall evaluate bidders in accordance with Section 208.03 and be based on at least three quotations.

(b) Quotations shall be solicited under the formal purchase limit procedure by one or more of the following methods:

- (1) Direct mail request to prospective vendors;
- (2) Telephone;
- (3) Direct personal contact with prospective vendors.

(c) The name of each person submitting a quotation and the date and amount of each quotation shall be recorded and shall be available for inspection in the City Office. Freight should be included in the quote, FOB Caseville, Michigan, preferred.

(d) Orders exceeding the budget line item or not in the budget must have the approval of the City Council.

(Ord. 2015-05. Passed 9-14-15.)

208.06 INFORMAL PURCHASE LIMIT.

(a) All purchases of supplies, services and construction items with a value in the informal purchase limit range may be made, provided that the respective committee has approved the purchase. (Ord. 2000-2. Passed 3-20-00.)

(b) All informal purchase limit valued purchases of supplies, services and construction items shall, whenever practical, be based on at least three quotations as described in Section 208.05 and shall be awarded to the lowest and most responsible bidder when evaluated in accordance with Section 208.03.

(c) Orders exceeding the budget line item or not in the budget must have the approval of the City Council.

(Ord. 91-4. Passed 8-12-91; Ord. 2005-02. Passed 3-14-05; Ord. 2015-05. Passed 9-14-15.)

208.07 SELF-PURCHASE LIMIT.

(a) Purchases of supplies, services, and construction items valued less than the informal purchase limit may be made, provided the signature of the department head or a Council member is secured. (Ord. 2000-2. Passed 3-20-00; Ord. 2005-02. Passed 3-14-05.)

(b) Purchases exceeding the budget line item or not in the budget must have the approval of the City Council.

(Ord. 91-4. Passed 8-12-91; Ord. 2015-05. Passed 9-14-15.)

208.08 OPEN ORDER ACCOUNTS.

(a) When a department purchases goods or services from a vendor where the City maintains an open account, a unit price is to be established by either the formal or informal purchase procedure whichever applies.

(b) The department head will be held strictly accountable for purchases and budgetary control under this procedure.

(c) Purchases exceeding the budget line item or not in the budget must have the approval of the City Council.

(d) The list of open account vendors is to be set annually by the City Council.

(e) An annual purchase order number shall be established and used for each vendor for which an open order account is created.

(Ord. 91-4. Passed 8-12-91; Ord. 2005-02. Passed 3-14-05.)

208.09 CONFERENCE OR SEMINAR ATTENDANCE REQUESTS.

(a) Each fiscal year, a seminar attendance amount will be budgeted to department heads for their respective departments.

(b) Department heads will allocate seminar costs for themselves and their respective employees of up to five hundred dollars (\$500.00) per seminar.

(c) Seminar requests exceeding five hundred dollars (\$500.00) per meeting shall require written majority committee approval.

(d) Conference or seminar requests, plus related expenses exceeding the budget line item or not in the budget, must have approval of the City Council.

(e) A written report to the City Council from the department head shall be due thirty days or at the next regular Council meeting, whichever is greater, following each seminar or conference attended.

(Ord. 208-A. Passed 2-8-93.)

208.10 EMERGENCY PROCUREMENT.

(a) Whenever there exists an apparent threat to the public health, welfare or safety of the City or its residents, the City Council or if time does not allow, the respective department committee head or Mayor, may approve the department supervisor to award a contract without competitive sealed bids by utilizing open market procedures as set forth in Section 208.03, or such other competition procedure as may be practical under the circumstances for the emergency purchase of supplies, services or construction items.

(b) The emergency purchase shall be made at the lowest obtainable price, and as soon as possible after the award, the appropriate department head shall file with the City Office a full written report of the circumstances surrounding the emergency purchase.

(Ord. 91-4. Passed 8-12-91; Ord. 2015-05. Passed 9-14-15.)

208.11 SOLE SOURCE PROCUREMENT.

A contract for supplies, services or construction items may be awarded by the City Council, without competitive sealed bids, when the City Council determines, after conducting a good faith review of available sources, that there is only one source for supplying the requested supply, service or construction item. The department head shall provide written documentation as to the reasons for awarding a purchase under this section, which will be available for public inspection in the City Office.

(Ord. 91-4. Passed 8-12-91.)

208.12 SALE OR DISPOSAL OF OBSOLETE OR SURPLUS SUPPLIES.

(a) All department heads shall submit to the City Council reports showing stocks of all supplies which, in the department heads opinion, are no longer used or which have become obsolete or worn and unsuitable for City use prior to the City fiscal year end.

(b) The City Council shall have the authority to transfer surplus stock from one City department to another, so as to secure for the City maximum efficiency in utilizing City resources and in budgetary planning.

(c) Sales or disposal of obsolete supplies or supplies worn-out and unsuitable for City use shall be made to the highest bidder in conforming with the procedures set forth in Section 208.03, by trade-in for new equipment, by direct sale to other governmental entities or by public auction, whichever the City Council deems applicable.

(d) A department head along with a council member can waive the requirements if the cost to comply with Section 208.03 exceeds the anticipated sales income from the surplus equipment.

(Ord. 91-4. Passed 8-12-91; Ord. 2005-02. Passed 3-14-05.)

208.13 COOPERATIVE PURCHASING; STATE AND/OR FEDERAL GRANTS.

The City shall have the authority to join with other units of government, including the State, in cooperative purchasing plans. Regardless of any other procedure set forth in this chapter, the City may negotiate and contract directly with persons when participating in State and/or Federal grant programs or projects, provided that the City Council determines that the best interests of the City would be served thereby.

(Ord. 91-4. Passed 8-12-91.)

208.14 UNAUTHORIZED PURCHASES.

Except as otherwise provided in this chapter, no City officer, employee or official shall order or enter into the purchase of supplies, services or construction items other than through the City Council and according to the procedures specified in this chapter. Purchases exceeding the budget line item or not in the budget must have the approval of the City Council. Any purchase or contract made contrary to the provisions of this chapter shall not be approved by the City officials and the City shall not be bound thereby.

(Ord. 91-4. Passed 8-12-91; Ord. 2005-02. Passed 3-14-05.)

208.15 FISCAL YEAR PURCHASING CUT-OFF. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 2005-02, passed March 14, 2005.)

208.16 PROCUREMENT, LABELING AND RECORDING OF RECYCLED PRODUCTS. (REPEALED)

(EDITOR'S NOTE: This section was repealed by Ordinance 2005-02, passed March 14, 2005.)

208.17 PURCHASE ORDERS.

(a) Numerically numbered purchase orders shall be utilized for all purchases except when purchasing from open purchase order vendors.

(b) A supply of purchase orders shall be supplied to department heads by the City Office for purchasing and emergency procurement, as set forth in this chapter.

(c) Purchases under twenty-five hundred dollars (\$2,500.00) do not require purchase orders.
(Ord. 91-4. Passed 8-12-91; Ord. 2005-02. Passed 3-14-05; Ord. 2015-05. Passed 9-14-15.)

208.18 RULES AND REGULATIONS.

The City Council may promulgate further rules or regulations to carry out the provisions of this chapter.

(Ord. 91-4. Passed 8-12-91; Ord. 2005-02. Passed 3-14-05.)

TITLE FOUR - Legislation
 Chap. 220. Council.
 Chap. 222. Ordinances and Resolutions.

CHAPTER 220
 Council

220.01 Compensation.	220.04 Audio and video taping of Council meetings.
220.02 Robert's Rules of Order.	220.05 Voting on communications.
220.03 Timetable for submission of items for Council meeting agenda.	

CROSS REFERENCES

Organization - see CHTR. Ch. 3
 Procedure and miscellaneous powers and duties - see CHTR. Ch. 6
 Legislation - see CHTR. Ch. 7
 Initiative and referendum - see CHTR. Sec. 7.10
 Authority re adoption of Charter - see CHTR. Sec. 15.11
 Interference with Manager - see ADM. 232.08
 Authority re snowmobiles - see TRAF. 440.09
 Authority re water system - see TRAF. 1040.05
 Review of P.U.D.'s - see P. & Z. 1276.06

220.01 COMPENSATION.

Councilmembers shall be compensated, by adopting Ordinance No. 2014-03, as allowed in Section 3.4 of the City Charter. All elected officials shall be paid on the first pay of each month at the rate of \$150 per month.
 (Res. 92-41. Passed 4-13-93; Ord. 2001-1. Passed 1-8-01; Ord. 2002-02. Passed 3-6-02; Ord. 2003-08. Passed 5-12-03; Ord. 2014-03. Passed 9-8-14.)

220.02 ROBERT'S RULES OF ORDER.

Council hereby adopts the current edition of Robert's Rules of Order as Council policy for conducting meetings.
 (Res. 94-81. Passed 7-18-94.)

220.03 TIMETABLE FOR SUBMISSION OF ITEMS FOR COUNCIL MEETING AGENDA.

Agenda submissions for each regularly scheduled Caseville City Council meeting, i.e. items to be addressed at a Council meeting, must be submitted to the City Office by 10:00 a.m. on the Friday prior to the meeting. Additions after 10:00 a.m. must be approved by the Mayor before amending the agenda.
(Motion of Council. Passed 5-13-96.)

220.04 AUDIO AND VIDEO TAPING OF COUNCIL MEETINGS.

Council shall retain audio and/or video tapes of City Council, committee or commission meetings for a period of thirty (30) days after the minutes have been approved to comply with the State retention policy.
(Res. 96-30. Passed 5-13-96; Res. 2002-64. Passed 5-20-02.)

220.05 VOTING ON COMMUNICATIONS.

All communications that are read to the City Council which require an answer shall be voted on during that meeting, except that communications that require further study must be sent to the appropriate committee for study, which committee shall make a recommendation to the City Council for its final vote.
(Motion of Council. Passed 12-9-96.)

CHAPTER 222
Ordinances and Resolutions

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

City legislation - see CHTR. Ch. 7

Legislation for special assessments - see CHTR. Sec. 10.2

Legislation for construction of sidewalks, curbs and gutters
- see S.U. & P.S. 1020.04

TITLE SIX - Administration

- Chap. 230. Mayor.
- Chap. 232. Manager. (Repealed)
- Chap. 234. Clerk.
- Chap. 236. Attorney.
- Chap. 238. Treasurer.
- Chap. 240. Assessor.
- Chap. 242. Office Administrator.
- Chap. 244. Engineer.
- Chap. 246. Street Administrator.
- Chap. 248. Harbor Master.
- Chap. 250. Health Officer.
- Chap. 252. Building Inspector/Zoning Administrator.
- Chap. 254. Police Department.
- Chap. 256. Township Fire Department.
- Chap. 258. Department of Public Works.
- Chap. 260. Employees Generally. (Repealed)

CHAPTER 230

Mayor

- | | | | |
|--------|--------------------------|--------|---|
| 230.01 | Opening of Mayor's mail. | 230.03 | Authority to recommend appointments to City committees and commissions. |
| 230.02 | Compensation. | | |

CROSS REFERENCES

Election- see CHTR. Sec. 3.1

Duties - see CHTR. Sec. 3.5

Appointment of Housing Commission members - see ADM. 288.02

230.01 OPENING OF MAYOR'S MAIL.

Mail addressed to the City of Caseville/Mayor (with or without the Mayor's name listed) may be opened by the City Office personnel on occasions when the Mayor is unavailable over a twenty-four hour period, with a copy of the opened mail to be made for the Mayor. If such mail is noted "confidential or personal," the mail shall not be opened by the City Office personnel. (Res. 91-177. Passed 12-9-91.)

230.02 COMPENSATION.

The City Mayor shall be compensated, by adopting Ordinance No. 2014-04, as allowed in Section 3.4 of the City Charter. Elected officials shall be paid on the first pay of each month at the rate of \$150 per month.

(Res. 92-41. Passed 4-13-93; Ord. 2002-02. Passed 3-6-02; Ord. 2007-02. Passed 6-11-07; Ord. 2014-04. Passed 9-8-14.)

230.03 AUTHORITY TO RECOMMEND APPOINTMENTS TO CITY COMMITTEES AND COMMISSIONS.

The Mayor is hereby authorized to make recommendations of members to the various committees or commissions of the City, with Council approval. The Oakwood Housing Commission does not require Council approval, pursuant to Federal statute. (Motion of Council. Passed 5-13-96.)

CHAPTER 232
Manager

EDITOR'S NOTE: Chapter 232 was repealed by Motion of Council on October 9, 1995.

CHAPTER 234
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

Membership on Election Commission - see CHTR. Sec. 4.12

Functions and duties - see CHTR. Sec. 3.10

Certification of tax levy - see CHTR. Sec. 9.12

CHAPTER 236
Attorney

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

Functions and duties - see CHTR. Sec. 3.9

Membership in Board of Election Commissioners - see
M.C.L.A. Sec. 168.25

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

CHAPTER 238
Treasurer

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

Finance generally - see Mich. Const. Art. 9, Secs. 1 et seq.
Functions and duties - see CHTR. Sec. 3.11
Deposit of public funds - see M.C.L.A. Secs. 129.11 et seq.
Municipal bonds - see M.C.L.A. Secs. 132.2, 133.6, 135.7
Municipal Finance Act - see M.C.L.A. Secs. 133.5, 133.6
Public money - see M.C.L.A. Secs. 750.489 et seq.
Reduction of spending in fiscal year budgets - see ADM. 232.06
Special assessments - see B.R. & T. Ch. 890

CHAPTER 240
Assessor

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

- Finance generally - see Mich. Const. Art. 9, Secs. 1 et seq.
- Assessor - see CHTR. Sec. 3.12
- Assessment rolls - see CHTR. Secs. 9.5 et seq.; B.R. & T. 880.05, 880.06
- Special assessments generally - see CHTR. Ch. 10; B.R. & T. Ch. 890
- Duties - see M.C.L.A. Sec. 64.20
- Deposit of public funds - see M.C.L.A. Secs. 129.11 et seq.
- Municipal bonds - see M.C.L.A. Secs. 132.2, 133.6, 135.7
- Municipal Finance Act - see M.C.L.A. Secs. 133.5, 133.6
- Public money - see M.C.L.A. Secs. 750.489 et seq.
- Assessments for sidewalks, curb and gutter construction - see
S.U. & P.S. 1020.02, 1020.05

CHAPTER 242
Office Administrator

EDITOR'S NOTE: This chapter was previously titled "Controller." The title of the position of the Controller, and thus of this chapter, was changed to the Office Administrator by Motion of Council on October 9, 1995.

Resolution 98-95, passed August 10, 1998, adopted an Investment Policy for the Village, pursuant to Act 196 of the Public Acts of 1997, being M.C.L.A. 129.91 et seq. Resolution 98-134, passed December 14, 1998, adopted a revised investment policy for the Village.

Resolution 98-122, passed November 9, 1998, adopted a policy for the use of Village-issued credit cards by Village officers and employees, pursuant to Act 266 of the Public Acts of 1995.

Copies of such resolutions and of such policies may be obtained, at cost, from the Village Clerk.

242.01	Establishment of position.	242.04	Merger with other offices.
242.02	Duties.	242.05	Elected officials prohibited from serving.
242.03	Compensation.		

CROSS REFERENCES

Finance generally - see Mich. Const. Art. 9, Secs. 1 et seq.
 Deposit of public funds - see M.C.L.A. Secs. 129.11 et seq.
 Municipal bonds - see M.C.L.A. Secs. 132.2, 133.6, 135.7
 Municipal Finance Act - see M.C.L.A. Secs. 133.5, 133.6
 Public money - see M.C.L.A. Secs. 750.489 et seq.
 Reduction of spending in fiscal year budgets - see ADM. 232.06

242.01 ESTABLISHMENT OF POSITION.

Pursuant to Section 4.7 of the Village Charter, there is hereby established in and for the Village the position of Office Administrator.

242.02 DUTIES.

The Office Administrator shall:

(a) Be responsible for maintaining the system of accounts of the Village, which system shall conform to any uniform system required by law and to generally accepted principles and procedures of governmental accounting, he or she shall make financial statements to Council at least monthly, or at such earlier periods as may be required by Council.

(b) Generally conduct the business of the Village in an orderly manner;

(c) Assign responsibility or duties of other Village officers and employees which are not specifically provided for by the Charter or by ordinance, subject to the approval of Council; and

(d) Perform any and all such other duties and responsibilities as may be prescribed by Council from time to time, so long as such assignment of duties and responsibilities is not in conflict with State statute, the Charter or any Village ordinance.

242.03 COMPENSATION.

The compensation of the Office Administrator shall be in an amount and fashion as shall be determined by Council from time to time, shall be set prior to the commencement of the fiscal year and shall be specifically budgeted.

242.04 MERGER WITH OTHER OFFICES.

The position of Office Administrator may be merged with another appointive office of the Village if such merger is not specifically prohibited by State statute, the Charter or any Village ordinance.

242.05 ELECTED OFFICIALS PROHIBITED FROM SERVING.

No elected official of the Village shall serve as Office Administrator during such official's term of office.

CHAPTER 244
Engineer

EDITOR'S NOTE: The Village contracts with an engineer or firm of engineers, designated the Engineer or the Village Engineer, on a job by job basis. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk.

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

Sidewalks, curbs and gutters - see S.U. & P.S. Ch.
1020
Water - see S.U. & P.S. Chs. 1040 et seq.
Sewer connections - see S.U. & P.S. Ch. 1046

CHAPTER 246
Street Administrator

246.01 Establishment of office; appointment.	246.02 Duties. 246.99 Penalty.
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CROSS REFERENCES

Obstructions and special uses of streets - see TRAF.
Ch. 460
Zoning of streets - see P. & Z. 1286.01
Required frontage - see P. & Z. 1286.09
Access streets - see P. & Z. 1286.32

246.01 ESTABLISHMENT OF OFFICE; APPOINTMENT.

Pursuant to Section 4.13 of the Village Charter, there is hereby established in and for the Village the Office of Street Administrator, which may be filled at the discretion of the Council by specific appointment. In the absence of such appointment the Chief of Police or Village President may perform the duties set forth in this chapter. (Ord. 2009-01. Passed 5-11-09.)

246.02 DUTIES.

The position of Street Administrator is in charge of the planning, coordination and operation of the street system, under the direction of the Village Council. The Street Administrator shall perform the following duties:

- (a) Supervision of full-time work force, as well as part time and seasonable help that becomes available;
- (b) Use staff, professional resources, other governmental agencies and private companies to efficiently accomplish in consultation with the Village Council the following:
 - (1) Maintenance of all streets and rights of ways. Included is surface patching, repair, gravel, shoulder repair, cutting of grass/weeds, removal of snow, salt/sand slippery areas, marking of parking spaces, traffic control markings, traffic control, parking control, installation and maintenance of guard rails, post, traffic and street signage;

- (2) Maintain Village sidewalks. Includes surveying sidewalk condition; obtaining estimates for budgeting; schedule and monitoring replacement work.
- (3) Maintain Village parking lots;
- (4) Maintain safe passage for both pedestrians and vehicles;
- (5) Issue orders necessary to keep streets, alleyways, parking spaces and lots and pedestrian footpaths free from any blockage, barriers or hindrances to insure the safe and efficient passageway of vehicles and pedestrians.
- (6) Any other street or right of way issue, as deemed necessary by the Village Council.

(Ord. 2009-01. Passed 5-11-09.)

246.99 PENALTY.

Who ever violates any order, whether written or verbal, of the Street Administrator in fulfilling the duties as outlined under Section 246.02, shall be responsible for a civil infraction and shall be fined not more than five hundred dollars (\$500.00).

(Ord. 2009-01. Passed 5-11-09.)

CHAPTER 248
Harbor Master

248.01 Establishment of office;
appointment.

CROSS REFERENCES

City Harbor - see S.U. & P.S. Ch. 1062

City/Township Harbor Commission - see ADM.
Ch. 294

Watercraft - see TRAF. Ch. 470

248.01 ESTABLISHMENT OF OFFICE; APPOINTMENT.

There is hereby established in and for the City the office of City Harbor Master, which office may be filled, at the discretion of Council, by specific appointment of some suitable person or by the appointment of the designated police officer of the City as part of his or her duties. In the absence of such appointments, the Mayor or Mayor Pro-Tem may perform the duties set forth in Chapter 1062 of the Streets, Utilities and Public Services Code.

CHAPTER 250
Health Officer

250.01 Establishment of office; appointment.	250.02 Duties. 250.99 Penalties.
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CROSS REFERENCES

Health and sanitation generally - see Mich. Const., Art. 4,
Sec. 51; M.C.L.A. Secs. 750.466 et seq.
Local health departments - see M.C.L.A. Secs. 333.2401 et seq.
Nuisances generally - see M.C.L.A. Secs. 600.3801 et seq.
Health generally - see ADM. Ch. 250
Board of Health - see ADM. Ch. 284
Removal of junk vehicles by Health Officer - see GEN. OFF.
678.05(d)

250.01 ESTABLISHMENT OF OFFICE; APPOINTMENT.

There is hereby established in and for the City, the Office of Health Officer that may be filled at the discretion of Council by specific appointment of some suitable person. In the absence of such appointment, the Chief of Police or Mayor may perform the duties set forth in this chapter.
(Ord. 2009-02. Passed 5-11-09.)

250.02 DUTIES.

Under the supervision of the City Council, the Health Officer shall perform a variety of tasks designed to assure or gain compliance the City ordinances focusing on health and safety matters, as well as property maintenance and other issues. The Health Officer shall execute the lawful orders of the State and Huron County Health Department and perform such other duties as are or may be appointed by the City Council and shall enforce the ordinances of the municipality in so far as they relate to matters in any way affecting the public health. It is hereby made a condition of all licenses and permits granted in the City that the Health Officer is given power to inspect any and all premises relating to the given permit or license. The Health Officer

shall take any necessary steps to abate any nuisances or unwholesome condition that is made known to the Health Officer.

(Ord. 2009-02. Passed 5-11-09.)

250.99 PENALTIES.

Who ever violates any order, whether written or verbal, of the Health Officer in fulfilling the duties as outlined under Section 250.02, shall be responsible for a civil infraction and shall be fined not more than five hundred dollars (\$500.00).

CHAPTER 252
Building Inspector/Zoning Administrator

EDITOR'S NOTE: 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

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.
Enforcement of Zoning Code - see P. & Z. 1262.01, 1262.05
Duties under Zoning Code - see P. & Z. 1262.02
Authority re State Construction Code - see B. & H. 1420.01

CHAPTER 254
Police Department

EDITOR'S NOTE: Resolution 93-11, passed February 8, 1993, adopted the "Standards of Conduct for Department Employees" as the rules and regulations for the Police Department, replacing all previous rules and regulations. Copies of such Standards and of such Resolution may be obtained, at cost, from the City Clerk.

There are no sections in Chapter 254. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Vehicles removed by Police Department - see TRAF. 410.04(UTC Sec. 2.5d)
False reports to Police Department - see GEN. OFF. 666.01(27)

CHAPTER 256
Township Fire Department

EDITOR'S NOTE: Fire protection services are provided to the City and its inhabitants by the Caseville Township Fire Department. Copies of the latest relevant legislation may be obtained, at cost, from the City Clerk.

There are no sections in Chapter 256. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Fire protection contracts - see CHTR. Sec. 2.4

Fire Chief - see CHTR. Sec. 3.14

Firemen's Retirement System - see M.C.L.A. Secs. 38.551 et seq.

Open burning - see GEN. OFF. 678.02

Fireworks - see GEN. OFF. 696.02

Burning of garbage and rubbish - see S.U. & P.S. 1060.06

CHAPTER 258
Department of Public Works

EDITOR'S NOTE: There are no sections in Chapter 258. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Superintendent of Public Works - see CHTR. Sec. 3.15

Approval of public works projects by Planning Commission -
see M.C.L.A. Secs. 125.39, 125.40

Caseville Water Authority - see S.U. & P.S. Ed. Note, Ch. 1040

Inspections of sewer tap-ins - see S.U. & P.S. 1046.05

CHAPTER 260
Employees Generally (Repealed)

EDITOR'S NOTE: Resolution 91-83, passed June 10, 1991, authorized the Mayor to execute an agreement recognizing the United Steelworkers of America, AFL-CIO-CLC, as the official bargaining unit of full-time patrolmen and clerical employees. Copies of such Resolution and of such Agreement, and of any amendments thereto, may be obtained, at cost, from the City Clerk.

Resolution 98-132, passed December 14, 1998, adopted the City of Caseville Council Policy for City Employees, as updated effective December 14, 1998. Copies of such resolution and of such Policy, as amended from time to time by Council, may be obtained, at cost, from the City Clerk.

Because of the frequency of change, provisions relating to regular compensation are not codified. Copies of the latest relevant legislation may be obtained, at cost, from the City Clerk.

There are no sections in Chapter 260. This chapter has been established for cross reference and any future legislation. City employees are covered under the city charter, council policies for employees and collective bargaining agreements or individual contracts, as stated in Ordinance 2016-04, passed June 13, 2016.

CROSS REFERENCES

Elective officers generally - see CHTR. Sec. 4.7

Recall - see CHTR. Sec. 4.20

Deputy administrative officers - see CHTR. Sec. 3.17

Officers and employees generally - see CHTR. Ch. 5

Administrative officers and employees - see CHTR. Sec. 15.7

Municipal Employees' Retirement Act of 1989 - see M.C.L.A.
Secs. 38.1501 et seq.

Elective officers prohibited from serving as Office Administrator -
see ADM. 242.05

Obstructing officers and employees - see GEN. OFF. 602.01, 666.01(28)

TITLE EIGHT - Boards, Commission and Authorities

- Chap. 280. Planning Commission.
- Chap. 282. Zoning Board of Appeals.
- Chap. 284. Board of Health.
- Chap. 286. Election Commission.
- Chap. 288. Housing Commission.
- Chap. 290. Downtown Development Authority.
- Chap. 292. Cable Communications Commission.
- Chap. 294. Village/Township Harbor Commission.
- Chap. 296. Construction Board of Appeals.

CHAPTER 280
Planning Commission

EDITOR'S NOTE: Provisions relating to the Planning Commission, if any, are codified in Chapter 1220 of the Planning and Zoning Code.

CHAPTER 282
Zoning Board of 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 284
Board of Health

EDITOR'S NOTE: There are no sections in Chapter 284. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Health and sanitation generally - see Mich. Const., Art. 4, Sec. 51; M.C.L.A. Secs. 750.466 et seq.
- Local health departments - see M.C.L.A. Sec. 333.2401 et seq.
- Nuisances generally - see M.C.L.A. Secs. 600.3801 et seq.
- Health officer - see ADM. Ch. 250, GEN. OFF. 678.05(d)
- Health generally - see GEN. OFF. Ch. 678

CHAPTER 286
Election Commission

EDITOR'S NOTE: There are no sections in Chapter 286. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Elections generally - see CHTR. Ch. 4
Election districts - see CHTR. Sec. 4.1
Election Commission - see CHTR. Sec. 4.12
Initiative and referendum - see CHTR. Sec. 7.10
Village officers; qualifications, election, appointment,
term, removal; list of candidates - see M.C.L.A.
Sec. 168.381
Removal of elected officials by Governor - see M.C.L.A.
Sec. 168.383
Registration of electors - see M.C.L.A. Secs. 168.491 et seq.
City elections - see M.C.L.A. Secs. 168.646 et seq.
Conduct of elections - see M.C.L.A. Secs. 168.720 et seq.
Canvass of voters - see M.C.L.A. Secs. 168.801 et seq.
Recounts - see M.C.L.A. Secs. 168.861 et seq.
Offenses and penalties - see M.C.L.A. Secs. 168.931 et seq.
Recall - see M.C.L.A. Secs. 168.951 et seq.
Authority to recommend appointments to City committees
and commissions - see ADM. 230.03
Voting places - see P. & Z. 1286.24

CHAPTER 288
Housing Commission

288.01 Establishment.

288.02 Appointment of members by
President.

CROSS REFERENCES

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

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

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

Authority to recommend appointments to Village committees and
commissions - see ADM. 230.03

Fair housing - see GEN. OFF. Ch. 626

BOCA National Property Maintenance Code - see B. & H.
Ch. 1440

288.01 ESTABLISHMENT.

Pursuant to Public Act 18 of the Extra Session of 1933, as amended, there is hereby established in and for the Village a Housing Commission.
(Ord. 700. Passed 8-8-77.)

288.02 APPOINTMENT OF MEMBERS BY PRESIDENT.

The President is hereby directed to appoint the members of the Housing Commission as soon as possible after this ordinance takes effect.
(Ord. 700. Passed 8-8-77.)

CHAPTER 290
Downtown Development Authority

290.01	Establishment; functions.	290.04	Board officers; bylaws.
290.02	Boundaries of Downtown Development District.	290.05	Sources of revenue; permitted expenditures.
290.03	Establishment of Downtown Development Authority Board; membership; appointments; oath.	290.06	Fiscal year; adoption of budget; audit.
		290.07	Regulation by State law.
		290.08	Exclusion of residential property.

CROSS REFERENCES

Finance generally - see ✓CHTR. Ch. 8
 Borrowing power - see ✓CHTR. Ch. 11
 Improvement Funds - see ✓CHTR. Sec. 12.2
 Municipal bonds - see M.C.L.A. Secs. 68.35, 69.6, 69.23
 Downtown Development Authority - see M.C.L.A. Secs. 125.1651
 et seq.

290.01 ESTABLISHMENT; FUNCTIONS.

Pursuant to Act 197 of the Public Acts of 1975, as amended, there is hereby established in and for the Village a Downtown Development Authority which shall be regulated pursuant to such Act. The Authority shall analyze the impact of economic changes and growth in the Downtown Development District and shall develop plans in coordination with the Planning Commission to promote orderly economic growth in the District. With the advice and consent of Council, the Authority shall implement a development plan in the District as necessary to achieve the purposes of the Downtown Development Act and in accordance with the powers granted by such Act. (Ord. 725. Passed 3-20-89.)

290.02 BOUNDARIES OF DOWNTOWN DEVELOPMENT DISTRICT.

The boundaries of the Downtown Development District within which the Downtown Development Authority shall exercise its powers shall be as follows:

Beginning at a point at the intersecting lines of the northwesterly right-of-way (ROW) line of Highway M-25 (also known as Main Street) and the south ROW line of Section Line Road (also known as Town Line Street or Legion Drive); thence northeast (NE) 920 ft.± along the NW ROW of M-25; thence southeast (SE) at a right angle 250 ft.; thence northeast (NE) 50 ft.; thence northwest 150 ft. to the south ROW line of M-25; thence NE along the south ROW line of M-25 a distance of 100 ft.; thence SE at a right angle to the M-25 ROW 150 ft.; thence NE and parallel with the M-25 ROW 100 ft.; thence NW 250 ft. to the northwesterly ROW line of M-25; thence southwest along the north ROW line of M-25 a distance of 180 ft., being a point 632.76 ft. SW of the west ROW line of Pigeon Road; thence NW 248.33 ft. to the east ROW line of Bluff Drive; thence NE 440.15 ft. along the east ROW line of Bluff Drive; thence east 618.90 ft. to a point on the west ROW line of Pigeon Road 16.41 ft. north of the NW ROW line of M-25; thence north along the west ROW line of Pigeon Road 450.4 ft.±; thence east 790 ft.± to the northwest ROW line of M-25; thence NE along the northwest ROW of M-25 a distance of 145.6 ft.; thence NW at a right angle from the M-25 ROW 272 ft.± to the south ROW line of Bay Street; thence NE 560 ft. m/l, along the south ROW line of Bay Street to the west ROW line of Huron Street; thence north 134 ft. m/l, along the west ROW line of Huron Street; thence east 190 ft. m/l; thence north 555 ft. m/l; thence east 198 ft.; thence south 130 ft. m/l; thence east 132 ft.; thence south 30 ft. m/l; thence east 50 ft. m/l; thence north 20 ft. m/l; thence east 99 ft. m/l, to the west ROW line of the former GTWRR; thence north 299 ft. m/l, along the west ROW line of said GTWRR ROW to the south line of Michigan Street; thence west 202 ft. m/l, along the south ROW line of Michigan Street to a point due south and in line with the west ROW line of River Street extended; thence north along the west ROW line of River Street 1,642 ft. m/l, to the north bank of the relief channel; thence E-NE along the shoreline of Twin River Isle to the west shoreline of the Pigeon River; thence NW along the south shoreline of the Pigeon River to a point due south of the west corner of parcel number 3230-835-080-00 (also known as the Withey property); thence due north to the north shoreline of the Pigeon River and the west corner of the Withey property; thence NE along the west line of the Withey property to the north ROW line of Harbor Street; thence SE along the north ROW line of Harbor Street to the west ROW line of Dufty Street; thence NE along the west ROW line of Dufty Street to the south line of the Huron County Park Road; thence SE 245 ft. m/l, along the County Park Road line; thence SW 245.22 ft.; thence SE 168.2 ft.; thence NE 42.9 ft.; thence SE

169.5 ft. to the west ROW line of M-25; thence north-northeast along the west ROW line of M-25 to a point where the west ROW line of M-25 and the north property line of the Huron County Park property intersect; thence NW along the County Park North property line to the south ROW line of Division Street; thence east along the south ROW line of Division Street 249.8 ft. m/l, to the west line of Lot 2, Law's Subdivision; thence SW 95 ft. m/l, to the south line of said Lot 2; thence SE 222 ft. m/l, to the NW ROW line of M-25; thence NE along the NW ROW line of M-25 100 ft; thence NW 85.7 ft. m/l; thence NE 132.6 ft. to the south ROW line of Division Street; thence west along the south ROW line of Division Street 70 ft. m/l, to a point due south of the west lot line of Lot 40, Rastique's Subdivision; thence north across the ROW of Division Street to the SW corner of Lot 40, Rastique's Subdivision; thence north 98 ft. to the NW corner of said Lot; thence east 150 ft. to the NE corner of Lot 42, Rastique's Subdivision; thence NE 108 ft. m/l, along the west lot lines of Lots 44-46 of Rastique's Subdivision to the south ROW line of Rastique Drive; thence east along the south ROW line of Rastique Drive to the west ROW line of M-25; thence NE along the west ROW line of M-25 to the NE corner of Lot 5, Paul Woodworth's Addition Subdivision; thence 100 ft. at a right angle SE from the west ROW line of M-25 to the east ROW line of M-25; thence SE 250 ft. m/l, at a right angle to the M-25 ROW line; thence SW 201.1 ft. parallel with the M-25 ROW line; thence NW 50 ft. on a line at a right angle to the M-25 ROW line; thence SW 200 ft. on a line parallel with and 200 ft. SE of the M-25 ROW line; thence NW 75 ft. at a right angle to the M-25 ROW line; thence SW 300 ft. parallel with the M-25 ROW line; thence SE 125 ft. at a right angle to the M-25 ROW line; thence SW 38.98 ft. m/l, parallel with the M-25 ROW line to the north ROW line of Division Street; thence due south to the south ROW line of Division Street; thence E-SE along the south ROW line of Division Street to the north corner of Lot 13, D. Mintline's First Addition Subdivision; thence SW to the north corner of Lot 11, D. Mintline's Subdivision; thence NW 98 ft. m/l, to the south ROW line of Division Street; thence westerly 60 ft. m/l, along the south ROW line of Division Street; thence SW 80 ft. m/l, to the west corner of Lot 16, D. Mintline's Subdivision; thence SE 132 ft. m/l, to the west corner of Lot 10, D. Mintline's Subdivision; thence SW along the north line of Lot 5-9, D. Mintline's Subdivision, to the SE corner of Lot 22 in said Subdivision; thence NW 100 ft. m/l, to the SE ROW line of M-25; thence SW along the M-25 ROW line 70 ft. m/l, to the west corner of said Lot 22; thence SE 55 ft. m/l, to the SW corner of Lot 22, D. Mintline's Subdivision; thence SW along the north line of Lot 3, D. Mintline's Subdivision, a distance of 66 ft. m/l; thence NW 30 ft. m/l,

to the SE ROW line of M-25; thence SE 55 ft. m/l, to a point 6 ft. m/l, north of the north corner of Lot 1, D. Mintline's Subdivision; thence SE 128 ft. m/l, to the north ROW line of State Street; thence SW 205 ft. m/l; thence SE at a right angle to the south ROW line of State Street; thence SE on the same bearing 60 ft. m/l, to the north shoreline of the Pigeon River; thence W-SW along the shoreline of the Pigeon River to a point 94.75 ft. NW of and along said shoreline from the NW corner of Lot 34, Casai's Pigeon River Subdivision; thence due west 51.25 ft.; thence SE 30 ft. m/l; thence south parallel with the M-25 ROW line 80 ft. m/l, to the north ROW line of Riverside Drive; thence east 75 ft. along the north ROW line of Riverside Drive; thence south parallel with the M-25 ROW 305 ft. m/l, to the south shoreline of the Pigeon River; thence east 190 ft. m/l, along the south shoreline of the Pigeon River to the east ROW line of Prospect Street; thence south along the east ROW line of Prospect Street 275 ft. m/l, to a point 30 ft. north of the south ROW line of Jay Street; thence west at a right angle to the east ROW line of Prospect Street a distance of 148.5 ft.; thence south 162 ft. along the west lot line of Lot 2, Block 4, Original Plat of Caseville, to the north ROW line of Pine Street; thence east 148.5 ft. along the north ROW line of Pine Street to the east ROW line of Prospect Street; thence south 264 ft. along the east ROW line of Prospect Street; thence west 198 ft. across the Prospect Street ROW and along the north lot line of Lot 4, Block 6, Original Plat of Caseville; thence south 10 ft. along the east ROW line of the public alley; thence west 82.5 ft. to a point 66 ft. east of the east ROW line of M-25; thence south 122 ft. parallel to the M-25 ROW to the north ROW line of Oak Street; thence east along the north ROW line of Oak Street 280.5 ft. to the east ROW line of Prospect Street; thence south 66 ft. to the south ROW line of Oak Street; thence west along the south ROW line of Oak Street 346.5 ft. m/l, to the east ROW line of M-25; thence south along the east ROW line of M-25 198 ft. to the north line of Lot 7, Block 11, Original Plat of Caseville; thence east 148.5 ft. to the NW corner of Lot 4, Block 11, Original Plat of Caseville; thence south 132 ft. to the north ROW line of Elm Street; thence east 198 ft. along the north ROW line of Elm Street to the east ROW line of Prospect Street; thence south 66 ft. to the south ROW line of Elm Street; thence west 198 ft. to the NW corner of Lot 1, Block 12, Original Plat of Caseville; thence south along the east ROW line of the public alley 198 ft. to the NW corner of Lot 4, Block 12, Original Plat of Caseville; thence east 198 ft. to the east ROW line of Prospect Street; thence south 198 ft. along the east ROW line of Prospect Street to the south ROW line of Ash Street; thence west along the south ROW line of Ash Street 293 ft. m/l; thence south 100 ft. to the north line of Lot 4, Block 17,

Original Plat of Caseville; thence east 155 ft. m/l, to the NW corner of Lot 2, Block 17, Original Plat of Caseville; thence south 95 ft. m/l, to the north ROW line of Michigan Street; thence east 150 ft. m/l, to the east ROW line of Prospect Street; thence due south across the Michigan Street ROW to the south ROW line of Michigan Street; thence west along the south ROW line of Michigan Street 450 ft. m/l, to the east ROW line of M-25; thence south 232 ft. m/l, along the M-25 ROW; thence SW 18 ft. m/l, along the M-25 ROW; thence due south 395.5 ft. m/l; thence due west 290.15 ft. m/l; thence south 427.59 ft. m/l, to the east ROW line of the GTWRR ROW; thence NW 490 ft. m/l, to the SE ROW line of M-25; thence SW 25 ft. m/l, to the center line of the GTWRR ROW; thence S-SW along the arc formed by the former GTWRR ROW spur track a distance of 1,455 ft. m/l, to the east lot line of Lot 4, Grand Park Subdivision; thence south 40 ft. m/l, to a point 20 ft. north of the SE corner of Lot 4, Block 7, Grand Park Subdivision; thence west to a point 20 ft. north of the SW corner of Lot 4, Block 7, Grand Park Subdivision; thence W-NW to the NE corner of Block 6, Grand Park Subdivision; thence north 50 ft. m/l, to the SE corner of Lot 10, Block 3, Grand Park Subdivision; thence southwesterly 125 ft. m/l, to the SE corner of Lot 8, Block 3, Grand Park Subdivision; thence northwesterly 125 ft. m/l, to the NE corner of Lot 8, Block 3, Grand Park Subdivision; thence NE 150 ft. m/l; thence northwesterly 125 ft. m/l, to the southeasterly ROW line of M-25; thence SW 250 ft. m/l, along the M-25 ROW line to the west corner of Lot 3, Block 3, Grand Park Subdivision; thence southeasterly along the west line of said Lot 3 and Lot 8, Block 3, Grand Park Subdivision, to the south ROW line of Grand Avenue; thence SW along the south ROW line of Grand Avenue to the NW corner of Block 5, Grand Park Subdivision; thence south along the east ROW line of West Park Street to the north ROW line of Legion Drive (aka Section Line Road); thence west along the north ROW line of Legion Drive 433.9 ft. to the west ROW line of Pigeon Road; thence north along the west ROW line of Pigeon Road 150 ft.; thence west at a right angle to the Pigeon Road ROW 150 ft.; thence north parallel with the Pigeon Road ROW 50 ft; thence west at a right angle to the Pigeon Road ROW 100 ft.; thence south 266 ft. to the south ROW line of Legion Drive; thence west along the south ROW line of Legion Drive to the point of beginning, excepting herefrom any bottom land within Lake Huron and the Pigeon River.
(Ord. 725A. Passed 4-29-91.)

290.03 ESTABLISHMENT OF DOWNTOWN DEVELOPMENT AUTHORITY BOARD; MEMBERSHIP; APPOINTMENTS; OATH.

(a) The affairs of the Downtown Development Authority shall be governed by the Downtown Development Authority Board, consisting of the President and twelve additional members, all of whom shall be appointed by the President with the approval of Council. The Chairperson of the Authority shall be a voting member of the Board.

(b) At the first regular meeting of Council after publication of this chapter (Ordinance 725, passed March 20, 1989), there shall be appointed by the President, with the approval of Council, twelve members to serve as the Downtown Development Authority Board together with the President. Qualifications for membership on the Board shall be as set forth in the Downtown Development Authority Act.

(c) The twelve additional members of the Board shall be appointed in accordance with the following schedule:

- (1) Three members whose terms expire in one year;
- (2) Three members whose terms expire in two years;
- (3) Three members whose terms expire in three years; and
- (4) Three members whose terms expire in four years.

(d) Prior to the expiration date of an appointment and each year thereafter, the President of the Village, with the approval of Council, shall appoint members to the Board for a term of four years each to fill the places of those whose terms have expired. Further, the President shall fill such vacancies as they exist on the Board from time to time, with the approval of Council.

(e) A Board member shall take office by swearing and subscribing to the constitutional oath of office.
(Ord. 725. Passed 3-20-89.)

290.04 BOARD OFFICERS; BYLAWS.

(a) Within thirty days after the appointment of the Downtown Development Authority Board, the Authority shall call a meeting. The meeting shall open with a call for an election of Board officers which shall consist of a Chairperson, a Vice Chairperson, a Treasurer and a Secretary.

(b) The Board shall prepare bylaws to govern the procedure of meetings and the powers of its officers, which bylaws shall be submitted to Council for approval prior to adoption by the Board.

(Ord. 725. Passed 3-20-89.)

290.05 SOURCES OF REVENUE; PERMITTED EXPENDITURES.

The activities of the Downtown Development Authority shall be financed from one or more of the funding sources set out in Section II of Act 197 of the Public Acts of 1975, as amended, and the Authority shall expend no moneys without the prior approval of Council.

(Ord. 725. Passed 3-20-89.)

290.06 FISCAL YEAR; ADOPTION OF BUDGET; AUDIT.

(a) The fiscal year of the Downtown Development Authority shall begin on March 1 of each year and end on February 28 or February 29 of the following year, or such other fiscal year as may hereafter be adopted by the Village.

(b) The Downtown Development Authority Board shall annually prepare a budget and shall submit it to the Office Administrator for submission to Council by December. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by Council. The Board may, however, temporarily adopt a budget in connection with the operation of any improvement which has been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.

(c) The Authority shall be audited annually by the same independent auditors auditing the Village, and copies of the audit report shall be filed with Council.

(Ord. 725. Passed 3-20-89.)

290.07 REGULATION BY STATE LAW.

The Downtown Development Authority shall be controlled and regulated strictly by the Downtown Development Authority Act, being Act 197 of the Public Acts of 1975, as amended.

(Ord. 725. Passed 3-20-89.)

290.08 EXCLUSION OF RESIDENTIAL PROPERTY.

Any and all residential property within the boundaries of the Downtown Development District shall be excluded from and not subject to this chapter.

(Ord. 725. Passed 3-20-89.)

CHAPTER 292
Cable Communications Commission

EDITOR'S NOTE: Provisions relating to the Cable Communications Commission are codified in Chapter 810 of the Business Regulation and Taxation Code.

CHAPTER 294
Village/Township Harbor Commission

294.01	Establishment.	294.06	Compensation.
294.02	Joint operation.	294.07	Meetings; records.
294.03	Legal capacity.	294.08	Power to request millage.
294.04	Governing board.	294.09	Legislative approval.
294.05	Organization.	294.10	Additional powers and duties.

CROSS REFERENCES

Municipal navigational facilities - see M.C.L.A. Secs.
281.541 et seq.

Harbor Development Act - see M.C.L.A. Secs. 281.1251
et seq.

Authority to recommend appointments to Village committees
and commissions - see ADM. 230.03

Harbor Master - see ADM. Ch. 248

Watercraft - see TRAF. Ch. 470

Village Harbor - see S.U. & P.S. Ch. 1062

294.01 ESTABLISHMENT.

There is hereby established the Caseville Village/Township Harbor Commission, hereinafter referred to as the Harbor Commission.
(Joint Res. Passed 12-8-86.)

294.02 JOINT OPERATION.

The Village of Caseville and the Township of Caseville hereby join to form a Harbor Commission for the purpose of planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating necessary navigational and building facilities of one or more community harbors. A site for the physical facilities of the harbor or harbors shall require the approval of two-thirds of the total membership of the Harbor Commission.
(Joint Res. Passed 12-8-86.)

294.03 LEGAL CAPACITY.

The Harbor Commission shall be a corporate body with the power to sue or be sued in any court of this State and may exercise any and all powers necessary and incident to the acquisition, construction, improvement, enlargement, extension, ownership, maintenance and operation of necessary navigational and building facilities of one or more community harbors.

(Joint Res. Passed 12-8-86.)

294.04 GOVERNING BOARD.

(a) The Harbor Commission shall be directed and governed by a Board consisting of six members. There shall be three members appointed by the Village Council and three members appointed by the Township Board. There shall be no elected officials appointed to the Commission.

(b) Upon the expiration of a member's term, or upon his or her retirement from the Commission, the Harbor Commission shall have the right and privilege to recommend to the Village Council or the Township Board, whichever is applicable, the name of a person to fill the vacant seat.

(c) In the event that there is an elected official presently on the Commission, that person shall be grandfathered until the end of his or her present term. At that time, the recommendation of the Commission for an appointee from either the Village or the Township may be considered, and an appointment made.

(d) In the event that a member has six unexcused absences from regular or special meetings of the Commission in a calendar year, his or her name shall be dropped from the Commission's role, and another person shall be appointed.

(Res. 95-51. Passed 4-10-95.)

294.05 ORGANIZATION.

(a) Upon selection, the Harbor Commission shall meet and elect a Chairperson, Vice-Chairperson and Secretary.

(b) Business which the Commission may perform shall be conducted at public meetings of the Commission and held in compliance with Act 267 of the Public Acts of 1967, as amended, being M.C.L.A. 15.261 to 15.275. Public notice of the times, dates and places of meetings shall be given in the manner required by Act 267 of the Public Acts of 1967, as amended.

(c) The Commission shall abide by Robert's Rules of Order in the conduct of its meetings, unless otherwise set forth in this chapter or by joint action of the legislative bodies of both the Village and the Township.

(d) The term of each member shall be three years, except that two members of the first Board shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. All members shall hold office until their successors are appointed. Members may, after a public hearing, be removed by the joint action of the Village Mayor and the Township Supervisor for inefficiency, neglect of duty or malfeasance in office.

(Joint Res. Passed 12-8-86.)

294.06 COMPENSATION.

Compensation for each meeting held and attended by the Harbor Commission members shall be established by the legislative bodies. A member of the Commission shall be reimbursed for actual expenses incurred in the discharge of official duties.

(Joint Res. Passed 12-8-86.)

294.07 MEETINGS; RECORDS.

After organization of the Harbor Commission, meetings will be held at the call of the Chairperson, who shall call a meeting at least bi-monthly. The Chairperson shall call a meeting at the request of three members of the Commission. A majority of the appointed members shall constitute a quorum. The Commission shall keep a written or printed record of each meeting, which record and any other writing in the possession of or prepared, owned, used or retained by the Commission in the performance of an official function shall be made available to the public.

(Joint Res. Passed 12-8-86.)

294.08 POWER TO REQUEST MILLAGE.

A sum of money not to exceed one mill of the assessed value of real property as last equalized by the State may be requested and certified by the Harbor Commission annually for the purpose of planning, promoting, acquiring, constructing, improving, enlarging, extending, owning, maintaining and operating necessary navigational and building facilities of one or more community harbors. The legislative bodies of the Village and the Township creating the Harbor Commission may raise such a tax by an ad valorem property tax, to be levied on taxable property within their respective jurisdictions. The tax shall not exceed one mill. In computing the total tax to be levied, the assessed valuation of any unit of government joining the Harbor Commission shall not be used more than once. The ad valorem property tax authorized by this section shall not be levied on taxable property unless approved by the majority of the qualified voters of the member local units voting thereon.

(Joint Res. Passed 12-8-86.)

294.09 LEGISLATIVE APPROVAL.

The Harbor Commission shall be obligated to each of the participating legislative bodies, Village and Township, that may meet in joint session to accept or reject recommendations of the Commission. Acceptance or rejection shall require a two-thirds vote of both legislative bodies.

(Joint Res. Passed 12-8-86.)

294.10 ADDITIONAL POWERS AND DUTIES.

(a) Planning. The Harbor Commission shall institute, conduct and supervise the orderly planning and property development of dock facilities.

(b) Control and Operation. The Commission shall control and operate said harbor facilities using funds in its own account. The Commission shall establish a budget. Said budget shall be submitted to both legislative bodies and shall be presented at the annual Township meeting for public review.

(c) Charges, Rentals and Fees. Fees and charges will be established within the guidelines as set forth by the Waterways Division of the State Department of Natural Resources.

(d) Management; Governing Powers; Use of Properties; Rules and Regulations. The Commission shall adopt and amend all needful rules and regulations for the management, government and use of any property under its control, shall establish penalties for the violation of said rules and regulations and shall enforce the same, provided that said rules and regulations shall be consistent with and conform as nearly as possible to all applicable laws, rules and regulations to which the Commission may be subject.

(e) Public Safety and Rules. The Commission shall adopt and amend rules and regulations designed to safeguard the public use of said dock facilities, which rules and regulations shall be consistent with and conform as nearly as possible to the laws of the State and the rules and regulations of the Michigan Department of State Highways and the Michigan State Waterways Commission.

(f) Insurance. The Commission shall obtain and keep in full force and effect adequate insurance in amounts and coverages approved by the legislative bodies so as to protect the Village and the Township from the loss of property or from liability because of personal or property damage.

(g) Reports. The Commission shall report no less frequently than annually to both legislative bodies concerning its activities for the prior year, which report shall include an account of income and expenditures for the prior year and a budget for the next year.

(h) Power to Represent Legislative Bodies and Seek Grants. The Commission shall represent the Township and the Village before the State Waterways Commission, its staff or any other governmental or administrative agency, for purposes of exercising its powers and duties, including, but not limited to, seeking grants on behalf of the local harbors.

(Joint Res. Passed 12-8-86.)

CHAPTER 296
Construction Board of Appeals

296.01	Creation and composition; qualifications.	296.05	Notice to interested parties.
296.02	Appeal procedure.	296.06	Variances from the Code.
296.03	Time for appeal.	296.07	Decisions.
296.04	Procedure.	296.08	Appeal to Commission.
		296.09	Interpretation of Chapter.

CROSS REFERENCES

State Construction Code - see B. & H. Ch. 1420

296.01 CREATION AND COMPOSITION; QUALIFICATIONS.

(a) That there be and hereby is established a Construction Board of Appeals which shall consist of three (3) members to be appointed for 3-year terms by the Mayor with the concurrence of the City Council as follows: one for three years, one for two years and one for one year. Thereafter, each new member shall serve for three years or until a successor has been appointed. All terms shall commence on the effective date of the adopting resolution.

(b) Construction Board of Appeals members shall be qualified by experience or training to perform the duties of members of the Board of Appeals.

(c) The Board members shall elect the chairperson from its membership.

(d) Secretary. The Mayor, with the concurrence of the City Council, shall appoint a qualified person to serve as secretary to the Board. In case of the absence of the secretary, the Board shall appoint one of its members to serve as secretary. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

(e) Compensation of members and the secretary, if any, shall be established by resolution of the City Council.
(Res. 2015-81. Passed 11-9-15.)

296.02 APPEAL PROCEDURE.

If the City Building Department refuses to grant an application for a building permit, or if the enforcing agency makes any other decision related to enforcement of construction codes and/or the Construction Code Act (generally, the “Code” adverse to

an interested person, that person, or the person's agent, may appeal in writing to the Construction Board of Appeals.

(Res. 2015-81. Passed 11-9-15.)

296.03 TIME FOR APPEAL.

(a) Failure of the City Building Department to grant, in whole, or in part, or deny an application for permit within a maximum of 15 days, is deemed a denial of the application for purposes of authorizing the institution of an appeal. Appeals from adverse determinations by the City Building Department, or from the failure or refusal to grant, in whole or in part, an application for permit, may be taken at any time not otherwise prohibited by law.

(b) Postponed Hearing. When three members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing,

(Res. 2015-81. Passed 11-9-15.)

296.04 PROCEDURE.

The Construction Board of Appeals shall conduct all hearings and other business in compliance with Act No. 267 of the Public Acts of 1976. Notice of meetings shall be posted at the City offices and shall be posted within 18 hours of any special meeting held for that purpose. Minutes of each meeting shall be kept, indicating the date, time and place of the meeting, as well as a description of all business conducted therein, including all votes taken and the manner in which each member voted.

(Res. 2015-81. Passed 11-9-15.)

296.05 NOTICE TO INTERESTED PARTIES.

(a) The Construction Board of Appeals shall hear appeals and requests for variances without undue delay. The Board of Appeals shall hear the appeal and render and file its decision with a statement of reasons for the decision with the City Building Department from whom the appeal was taken not more than 15 days after submission of the appeal. Failure by the Board of Appeals to hear an appeal and file a decision within the time limit provided is a denial for purposes of authorizing an appeal to the State Construction Code Commission.

(b) Interested parties in an appeal or variance proceeding must be properly notified of the hearing and be given reasonable notice of hearing. The notice should include:

- (1) A statement of the date, hour, place, and nature of the hearing;
- (2) A statement of the legal authority and jurisdiction under which the hearing is to be held;

- (3) A reference to the particular section of the statutes, rules, or code involved;
- (4) A short statement of the matters asserted.
(Res. 2015-81. Passed 11-9-15.)

296.06 VARIANCES FROM THE CODE.

The Construction Board of Appeals may grant a specific variance from substantive requirements of the Code if the literal application of the substantive requirements would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied:

- (a) The performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the Code of that particular item or part for the health, safety and general welfare of the people of this state.
- (b) The specific condition justifying the variance shall be neither so general or recurrent in nature as to make an amendment of the Code with respect to the condition reasonable practical or desirable.
- (c) The Construction Board of Appeals may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of this state. The breach of a condition shall automatically invalidate the variance and any permit, license, and certificate granted on the basis of it.
- (d) In no case shall more than minimum variance from the Code be granted than is necessary to alleviate the exceptional, practical difficulty.
(Res. 2015-81. Passed 11-9-15.)

296.07 DECISIONS.

The Board shall modify or reverse the decision of the code official by a concurring vote of two members. Decisions of the Construction Board of Appeals shall be made in writing with a statement of reasons for the decision. A record of decisions made by the Construction Board of Appeals, properly indexed, shall be maintained at the City Office.

(Res. 2015-81. Passed 11-9-15.)

296.08 APPEAL TO COMMISSION.

An interested person may appeal a decision of the Construction Board of Appeals to the State Construction Code Commission within fifteen (15) business days after filing of the decision with the City Building Department. In the case of an appeal because of failure of the Construction Board of Appeals to act within the prescribed time, an interested party may appeal to the Commission at any time before filing of the decision.

(Res. 2015-81. Passed 11-9-15.)

296.09 INTERPRETATION OF CHAPTER.

In the case of conflict between this Chapter and any resolution or other ordinance, the provisions of this Chapter shall control. The catch line headings which precede each paragraph of this Chapter are for convenience in reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of this Chapter.

(Res. 2015-81. Passed 11-9-15.)

TITLE TEN - Judiciary
Chap. 298. Courts.

CHAPTER 298
Courts

EDITOR'S NOTE: Violations of Municipal law are prosecuted in the 73rd District Court of Huron County. Equitable remedies are pursued in the 52nd Circuit Court or other courts of competent jurisdiction. The Huron County Probate Court has jurisdiction over juveniles and condemnation proceedings. All three courts sit in Bad Axe, Michigan, the County Seat of Huron County.

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, Secs. 1 et seq., M.C.L.A. Secs. 600.101 et seq.

District courts generally - see M.C.L.A. Secs. 600.8101 et seq.

Authority re abandoned vehicles - see TRAF. 410.04(UTC Secs. 2.5e, 2.5f)