

TITLE III: ADMINISTRATION

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CHAPTER 30: VILLAGE OFFICIALS

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§ 30.01 APPOINTMENT OF VILLAGE CLERK AND VILLAGE TREASURER.

(A) *Appointment.* Pursuant to M.C.L.A. § 62.1(3), M.S.A. 5.1215(3), the Village President, by and with the consent of the Village Council, shall appoint a Village Clerk and a Village Treasurer.

(B) *Term of office.* The Village Clerk and Village Treasurer shall hold their respective offices for the term of two years from the second Monday of March of the year when appointed and until their successors are appointed and qualify.

(C) *Effective date.* The section shall become effective as follows.

(1) With respect to the Village Clerk, this section shall become effective immediately, subject to the terms and provisions of division (3) below.

(2) With respect to the Village Treasurer, this section shall become effective on the second Monday of March, in the year 2000 unless the office of Village Treasurer is vacated prior to such date, in which case this section shall become effective on the date said office becomes vacant.

(3) Provided, however, that the effective date of this section shall not be earlier than the following.

(a) Beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of this section or when the office of Clerk or Treasurer or both is vacated, whichever shall first occur.

(b) Forty-five days after the adoption hereof, unless a petition signed by not less than 10% of the registered electors of the village is filed with the Village Clerk within said 45 days, in which case, this section shall take effect upon approval at an election held on the question of adoption of this section, pursuant to M.C.L.A. § 62.1(4), M.S.A. 5.1215(4).

(Ord. 177, passed 3-17-99)

§ 30.02 NONPARTISAN VILLAGE ELECTIONS.

Elections for all elective offices of the village shall be nonpartisan.
(Ord. 176, passed 3-17-99)

§ 30.03 APPOINTMENT OF VILLAGE MANAGER.

- (A) The village shall employ an individual to serve as the Village Manager for the village.
- (B) The Manager shall serve at the pleasure of the Council.
- (C) The Village Council shall negotiate an employment contract with the Village Manager pursuant to the provisions of M.C.L.A. 65.8(3), and the agreement of the employee and employer.
- (D) The village determines that the Village Manager shall have the following duties:
 - (1) Plans, directs coordinates controls and evaluates all activities of all village departments and municipal functions (within broad guidelines and policies established by the Village Council); informs the Council (as the need arises) of the status of activities, programs, problems, plans and departmental functions.
 - (2) Develops and administers a personnel management system; proposes salary administration and position classification systems and methodologies; approves proposals for Council consideration concerning promotions, transfers, reclassifications, job evaluations, demotions, and related personnel actions; and participates in union negotiations, disposition of employee grievances, disputes, and matters involving staff relations.
 - (3) In conjunction with the finance committee, prepares the annual operating budget for the village, laying out a proposed spending plan for the Council's consideration, and implementing and administrating the approved budget; prepares the annual capital improvement program and the village business and strategic long-range development plan as part of the administrative oversight function; shall have supervisory responsibility to insure that all federal, state and county fiscal reports and monthly financial reports to the Village Council are prepared and delivered; shall advise, as necessary, the Treasurer on the investment of village funds; shall supervise the planning, direction, and assist in organizing communication and controls of all village financial operations, including direction of the bookkeeping staff and maintenance of the accounting and computer systems, in consultation with the appropriate department heads; reviews the work of all subordinate bookkeeping personnel; oversees the purchasing of all village materials, equipment, supplies and services, and administers any ongoing contracts; oversees the village's water/sewer billing and collection function; advises the Village Council on fiscal policies, interpretations, procedures and problems; and develops new and innovative ways of managing financial/EDP operations.
 - (4) Promotes internal operating efficiencies; supervises department heads including, but not limited to, the Director of Public Works, Police Chief, the Office Manager, and the Bookkeeper;

consults with elected officials, including Village President, Village Council, and Treasurer, as necessary; motivates subordinate department heads through periodic staff meetings and one to one meetings, and encourages employee self-development programs; supervises office staff as necessary; reviews various regular and special operating reports against budgetary constraints, program goals and objectives, and village policies, rules, and regulations; and prepares special reports for the Council's consideration, information and action.

(5) Attends all Village Council and related public meetings; directs the preparations of the Council's agenda; and advises the Council (collectively, within committee and individually) concerning the status of public inquiries, projects of current interest, and proposed legislative action. Appears before citizen groups and other organizational meetings; makes speeches and attends ceremonial functions; and serves as a spokesperson for the village in situations of mutual interest and concern with neighboring municipalities, as well as with federal and state agencies.

(6) Assesses current and long-term village needs in various program areas; makes appropriate recommendations to the Council; develops program goals and objectives; and implements new activities.

(7) Assures all village ordinances are effectively enforced; prepares correspondence needed to direct or document village business decisions; assists village citizens, outside agencies, developers, local community groups, utility companies and the like and village staff in resolving governmental or operating problems by bringing important matters to the Council's attention; and performs related work as directed by the Village Council.

(Ord. 186, passed - -)

30.04 SALARIES OF THE PRESIDENT AND MEMBERS OF THE VILLAGE COUNCIL OF QUINCY

- A. The Village of Quincy ordains that the President shall receive \$120 per month and each Council person shall receive \$100 per month. Provided, however, that neither the President nor the Trustees shall receive salary for any month during which they are absent from a regular meeting of the Village Council, unless such absence is excused by the President, or in the absence of the President, the President Pro-Tem.
- B. Each Council person and the President shall receive \$10.00 per meeting for all Special Council meetings. Neither the Council, nor the President, shall be paid for required Committee meetings or other outside organizations in which they represent the Village.

(Ord. 69, Passed 2-3-69; Am. Ord. 81, passed 4-76; Am. Ord. 87, passed 12-78; Am. Ord. 123, passed 5-1-91; Am. Ord. 178, passed 7-31-99; Am. Ord. 194, passed 5-21-02; Am. Ord. 198, passed 8-17-04)

CHAPTER 31: POLICE AND FIRE DEPARTMENTS

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POLICE DEPARTMENT

§ 31.01 ESTABLISHMENT.

A police force is hereby organized and established to consist of the Marshall who shall be the Chief of Police, together with such number of police officers as the Village Council from time to time shall determine.

(Ord. 113, passed 8-10-89)

*Disbursed Oct 2002
11/1/02 BCID start Dec 00
11/1/02 BCID
11/1/02 BCID
All Contract*

§ 31.02 APPOINTMENT, OATH.

All police officers shall be appointed by the Village President upon the recommendation by the Police Committee and with the consent of the Council. Before entering upon the discharge of the duties of his or her office, each officer shall take and subscribe to the oath of office, which oath shall be filed with the Village Clerk.

(Ord. 113, passed 8-10-89)

§ 31.03 DUTIES OF POLICE CHIEF.

(A) It shall be the duty of the Chief of Police to see that each police officer shall, at all times, faithfully perform the duties of their offices, and he shall report to the Village Council at the first meeting thereafter any neglect of duty or misconduct in office on the part of any police officer.

(B) The Chief of Police shall establish such general orders and other rules as he may determine are necessary.

(C) It shall be the duty of the Chief of Police to see that ordinances and regulations of the village are promptly enforced. He shall keep a record of all arrests and the causes therefore, and shall report in writing to the Council at the regular meeting all arrests made by him or other members of the police force, and the causes therefore. All monies collected or received by the Police Chief shall be paid into the village treasury during the week in which they are received.

(D) The Chief of Police and all police officers shall have power to serve and execute all process directed or delivered to them in all proceedings for the violation of ordinances of the village, and shall have such further powers and duties as may be given by the laws of the state.

(Ord. 113, passed 8-10-89)

§ 31.04 POLICE OFFICERS TO CONFORM TO RULES AND REGULATIONS.

Every police officer shall conform to such rules and other regulations as the Council may adopt or authorize.

(Ord. 113, passed 8-10-89)

§ 31.05 ACTING POLICE CHIEF.

The Council may designate a police officer who shall become Acting Chief of Police if the Chief of Police shall become unable to perform his duties or if he is suspended or discharged. The Acting Chief of Police shall serve until the Chief of Police resumes his duties or a new Chief of Police is appointed as the case may be.

(Ord. 113, passed 8-10-89)

§ 31.06 REMOVAL FROM OFFICE.

The Council shall have the power, upon the recommendation of the Chief of Police and subject to the provisions of any applicable labor contract, to remove from office any police officer at any time upon good cause therefore.

(Ord. 113, passed 8-10-89)

FIRE DEPARTMENT**§ 31.20 INTERFERING WITH FIRE DEPARTMENT.**

(A) It shall be unlawful for any person or persons to interfere with or obstruct the Fire Department while engaged in fighting any fire within the village.

(B) The village ordains that it shall be unlawful for any person or persons at a time of fire in the village, to drive, park or place any car or other vehicle between the fire and the hydrant or hydrants in use in an attempt to extinguish the fire. This shall not apply to any car or vehicle used by the Fire Department in fighting the fire.

(C) If it becomes necessary in fighting the fire for the Fire Department to use other and additional hydrants, then it shall be the duty of any person or owner of any car or vehicle then parked, standing or placed between the fire and any other or additional hydrants so to be used, to immediately remove the car or vehicle beyond the hydrant so to be used and at a greater distance from the fire.

(D) It shall be unlawful for any person to willfully drive any car or other vehicle over any hose in use at any fire in the village.

(Ord. 13, passed 3-9-27; Am. Ord. 109, passed 1- -89) Penalty, see § 10.99

§ 31.21 CHARGES FOR RECOVERY OF FIRE RUN COSTS.

(A) *Purpose.* This section is adopted for the purpose of providing authority for the village to recover a portion of the costs expended by it, and to provide financial assistance to the village, from those receiving direct benefits from the fire protection service, being the cause for the necessity of fire protection service. It is the further purpose of this section to recover funding for the cost of fire protection services which remain, in part, an at-large governmental expense based upon the general benefits derived by all property owners within the village from the existence and availability of fire protection services, and other emergency services, in the village.

* (B) *Charges.* The charge for fire protection service shall be \$250 for each occurrence. This charge shall be paid by the recipient of the service, or, at the discretion of the Village Council, by the party causing the necessity of the service.

(C) *Time for payment.* All of the foregoing charges shall be due and payable within 30 days from the date the service is rendered and in default of payment, the payment shall be collectible through proceedings in the District Court or in any other court of competent jurisdiction upon action by the village.

(D) *Exemptions.* The following properties and services shall be exempt from the foregoing charges.

(1) False alarm.

(2) Fires caused by railroad trains which are the specific statutory responsibility of the railroad companies.

(3) Fires involving village buildings, grounds and/or property.

(E) *Collection of recovery charges.* The village may proceed in District Court by suit to collect any monies remaining unpaid and shall have any and all other remedies provided by law for the collection of said recovery charges.

(F) *Non-exclusive charge.* The foregoing rates and charges shall not be exclusive of the charges that may be made by the village for the costs and expenses of maintaining a Fire Department, but shall only be supplemental thereto. The charges may additionally be collected by the village through general taxation after a vote of the electorate approving the same or by special assessment established under Michigan statutes pertinent thereto. General Fund appropriations may also be made to cover such additional costs and expenses.

(G) *Multiple property protection.* When a particular service rendered by the fire protection services provided or contracted for by the village directly benefits more than one person or property, the owner of each property so benefitted and each person so benefitted where property protection is not involved shall be liable for the payment of the full charge for such service hereinbefore outlined. The interpretation and application of this section is hereby delegated to the persons designated by Council Resolution subject only to appeal, within the time limits for payment, to the Village Council and shall be administered so that charges shall only be collected from the recipients of the service.

(Ord. 148, passed 3-9-95)

HAZARDOUS MATERIALS INCIDENTS COST RECOVERY

§ 31.35 PURPOSE.

(A) *Background.* The Village of Quincy, and the Townships of Algansee, Butler and Quincy have established the Quincy Fire Association as a separate municipal corporation to provide fire, first responder and other emergency services, pursuant to M.C.L.A. 48.812 (Public Act 33 of 1951, and M.C.L.A. 124.504 (Public Act 7 of the 1967, extra session). The fire, first responder and emergency

medical service thereby established is known as the Quincy Fire Department. The Quincy Fire Department, as well as the Village of Quincy Police Department, the Village of Quincy Department of Public Works and other police and public agencies (sometimes collectively referred to herein as governmental entities) are or may be called upon to respond to fire, accident and other emergency situations involving hazardous materials.

(B) *Purpose.* This subchapter is adopted for the purpose of providing authority for the Quincy Fire Department, the Village Of Quincy Police Department, the Village Of Quincy Street Department, and other police and public agencies, to recover a portion of the costs expended by such agencies and to provide financial assistance to the Quincy Fire Association and other governmental units, from those receiving direct benefits from the fire protection, police protection and other emergency services involved in responding to incidents involving hazardous materials. It is a further purpose of this subchapter to recover funding for the costs of such emergency services which remain, in part, an at-large governmental expense based upon the general benefits derived from all property owners within the Village of Quincy, and the Townships of Algansee, Butler and Quincy, from the existence and availability of fire protection services and other emergency services responding to hazardous materials incidents. The village has determined it to be in the best interests of public health, safety and welfare of the village to adopt this subchapter.

(Ord. 175, passed 3-18-99)

§ 31.36 DEFINITIONS.

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

HAZARDOUS MATERIALS. Any materials classified as hazardous by any federal, state or local law, regulation or authority, and shall include, but not be limited to, any chemical that is a combustible liquid, flammable gas, radioactive material, explosive, flammable, poison, organic peroxide, oxidizer, pyrophoric, unstable reactive, or water reactive or any other material that can cause serious disease or injury to humans, property or the environment.

HAZARDOUS MATERIALS INCIDENT. Any accident, emergency, activity or other occurrence where a release of hazardous materials occurs or where there is a present danger of a release of hazardous materials. For purposes of this definition, **RELEASE** shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping, disposing or other spreading of material.

INCIDENT. A **HAZARDOUS MATERIALS INCIDENT** or any other accident, emergency, or other occurrence that results in a response from the Quincy Fire Department, Quincy Police Department, Quincy Street Department or any other governmental agency.

RECOVERABLE EXPENSES. In connection with an **INCIDENT**, all actual costs or expenses incurred by a governmental entity, including but not limited to each of the following.

(1) Charges for each fire department vehicle including but not limited to pumper, ladder trucks, tankers, rescue squads, brush units, command units and other vehicles. Hourly rates for these charges shall be established by resolution of the Quincy Fire Association.

(2) Replacement costs for equipment that is contaminated or damaged beyond reuse or repair (such as turn-out gear or self-contained breathing apparatus).

(3) All personnel-related expenses incurred by a governmental entity, including but not limited to wages, salaries, fringe benefits and insurance for full-time and part-time fire, police and other personnel, overtime pay and related fringe benefit costs for hourly employees, and fire run fees paid to on call fire personnel. These personnel-related expenses shall commence when the government entity has begun responding to the **INCIDENT** and shall continue until all personnel have concluded hazardous materials **INCIDENT** related responsibilities.

(4) Expenses of decontaminating and cleaning equipment.

(5) Technical consulting services specifically required as a result of the **INCIDENT**, including but not limited to technical experts or specialists not otherwise available to the governmental entity.

(6) Laboratory costs of analyzing samples taken during the **INCIDENT**.

(7) Costs of cleanup, storage or disposal of the released **HAZARDOUS MATERIALS**.

(8) Medical and hospital expenses incurred as a result of the **INCIDENT**.

(9) Legal, engineering, accounting, billing, collection and other administrative expenses incurred as a result of the **INCIDENT**, including but not limited to efforts to recover expenses pursuant to this subchapter.

RESPONSIBLE PARTY. In connection with an **INCIDENT**, any individual or entity that participated in, or whose actions or inactions were a proximate cause of an **INCIDENT**, and any individual or entity that is an owner, as defined by statute or other applicable law, tenant, occupant or holder of any interest in real estate, buildings, equipment or other real or personal property onto which or from which **HAZARDOUS MATERIALS** were released.

(Ord. 175, passed 3-18-99)

§ 31.37 RECOVERY OF EXPENSES.

All of the responsible parties in connection with an incident, or the person or persons receiving other emergency services, shall be responsible to the Fire Department, the Police Department, the Street Department or other police or public agency, as the case may be, for the recoverable expenses relating to a hazardous materials incident. This responsibility shall be in addition to any other penalties,

obligations or remedies provided by law. The liability under this subchapter shall be strict, joint and severable, and without regard to fault.

(Ord. 175, passed 3-18-99)

§ 31.38 EXEMPTIONS.

The following properties and services shall be exempt from the foregoing charges.

(A) False alarm, unless a person or persons intentionally called for emergency services knowing that such a call was false; in which event the person or persons calling in such false alarm shall be liable for the costs and charges imposed hereunder.

(B) Fires caused by railroad trains which are the specific statutory responsibility of the railroad companies.

(C) Fires involving village or township buildings, grounds and/or property.

(Ord. 175, passed 3-18-99)

§ 31.39 BILLING AND COLLECTION PROCEDURES.

After the conclusion of a hazardous materials incident, or periodically prior to the conclusion of the incident, the Quincy Fire Association or the Village Council (as to the Village of Quincy Police Department and Street Department), or the Chief Administrative Officer of any other police agency or public agency, shall submit an itemized list of all known recoverable expenses to the Treasurer of the Village of Quincy, Township of Algansee, Township of Butler or Township of Quincy, depending on where the incident accident or other situation occurred, who shall prepare and send an invoice to all responsible parties for payment. Such invoice shall demand full payment within 30 days after receipt of the invoice. Any additional expenses becoming known to the billing and invoicing entity after mailing the first invoice shall be billed in the same manner to the responsible parties. Any amounts unpaid after 30 days after the due date shall bear a late charge of 1% per month, fraction of the month, or the highest legal limit of interest permitted by law, whichever is less.

(Ord. 175, passed 3-18-99)

§ 31.40 APPEAL PROCESS.

(A) Any person invoiced for a hazardous materials incident hereunder may appeal the amounts listed in an invoice as follows.

(1) As to the Quincy Fire Department, to the Board of the Quincy Fire Association.

(2) As to charges for the Village of Quincy Police Department and Village of Quincy Street Department, to the Quincy Village Council.

(3) As to other police agencies or public agencies, to the governing body or chief administrative officer of such agency.

(B) Said appeals shall be filed with the appropriate body or person not later than 15 days after the date the responsible party receives the invoice. The body or person hearing the appeal shall give the appealing parties an opportunity to present evidence in support of their position. The appealing party shall bear the burden of proof. After receiving all evidence deemed relevant by the governing body or person, the governing body or person shall make a decision on whether the expenses are properly recoverable under this subchapter. An appeal will not postpone or delay the applicable time periods for the payment of any invoices issued under this subchapter.

(Ord. 175, passed 3-18-99)

§ 31.41 VIOLATIONS AND REMEDIES.

A violation of this subchapter shall be a municipal civil infraction. The Chief of the Fire Department, an officer of the Police Department, or a Township Supervisor, or his designee as the case may be, shall each have the authority to issue municipal civil infraction citations for violations of this subchapter. The Quincy Fire Association, the Village of Quincy, the Townships of Algansee, Butler and Quincy, or other police or public entity to whom charges are owed hereunder may pursue any other remedy or may institute any other appropriate action or proceedings to collect charges imposed under this subchapter. The recovery of expenses imposed under this subchapter does not relieve or limit liability of any person under any other local ordinance or state or federal law, rule or regulation.

(Ord. 175, passed 3-18-99)

CHAPTER 32: DOWNTOWN DEVELOPMENT AUTHORITY

Section

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- 32.03 Determination of necessity
- 32.04 Creation of Authority
- 32.05 Description of downtown district
- 32.06 Board of Trustees
- 32.07 Powers of Authority
- 32.08 Fiscal year; adoption of budget
- 32.09 Financing
- 32.10 Downtown Development Plan and Tax Increment Financing Plan

§ 32.01 TITLE.

This chapter shall be known and may be cited as the "Downtown Development Authority Ordinance".

(Ord. 125, passed 6-6-91)

§ 32.02 DEFINITIONS.

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

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

AUTHORITY. The Village of Quincy Downtown Development Authority created by this chapter.

BOARD or BOARD OF TRUSTEES. The Board of Trustees of the Authority, and the governing body of the authority.

CHIEF EXECUTIVE OFFICER. The President of the Village of Quincy.

COUNCIL. The Village Council of Quincy.

DOWNTOWN DEVELOPMENT TAX. The tax authorized by this chapter pursuant to Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680 to be imposed by the Authority in the downtown area.

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

VILLAGE. The Village of Quincy, Michigan.
(Ord. 125, passed 6-6-91)

§ 32.03 DETERMINATION OF NECESSITY.

The Village Council hereby determines that it is necessary for the best interests of the village to halt property deterioration and increase property tax valuation where possible in the business district of the village, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority pursuant to Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680.

(Ord. 125, passed 6-6-91)

§ 32.04 CREATION OF AUTHORITY.

There is hereby created pursuant to Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680, a Downtown Development Authority for the village. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Village of Quincy Downtown Development Authority." The Authority may adopt a seal, may sue and be sued in any court of this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this chapter and Act 197. The enumeration of a power in this chapter or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

(Ord. 125, passed 6-6-91)

§ 32.05 DESCRIPTION OF DOWNTOWN DISTRICT.

(A) The downtown district in which the Authority shall exercise its powers as provided by Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680, shall consist of all that territory and land in the village described as follows, subject to such changes as may hereinafter be made pursuant to this chapter and Act 197: a parcel of land located within the original plat of the Village of Quincy as recorded in the office of the Register of Deeds of Branch County, Michigan, being located in the southwest quarter of Section 15 and also being located in the southeast quarter of Section 16, of Township 6 South, Range 5 West, Branch County, Michigan, more particularly described as follows: beginning at the most northerly corner of Lot 162 of said plat, thence southeasterly along the easterly margin of said Lot 162 to the most easterly corner of said Lot 162; thence southwesterly along the southerly margin of said Lot 162 and the southerly margins of Lots 165, 166, 169, 170, 173, and 174

of said plat to the most southerly corner of said Lot 174; thence northwesterly along the westerly margin of said Lot 174 to the southeast corner of Lot 179 of said plat; thence westerly along the southerly margin of said Lot 179 to the southwest corner of said Lot 179; thence southwesterly to the southeast corner of Lot 5 of said plat; thence westerly along the southerly margin of said Lot 5 to the easterly margin of Lot 12 of said plat; thence southwesterly parallel with Chicago Street per said plat to the westerly margin of the property occupied by the Quincy village office; thence northwesterly along the westerly margin to the southerly margin of said Chicago Street; thence northwesterly to the most southerly corner of Lot 143 of said plat; thence northwesterly along the westerly margin of said Lot 143 to a line parallel with the northerly margin of said Chicago Street and which said parallel line intersects with the southeast corner of Lot 140 of said plat; thence northeasterly along said parallel line to southerly extension of the westerly margin of said Lot 140; thence northerly along said southerly extension of said westerly margin to the southerly margin of the railroad right-of-way; thence northeasterly along said southerly margin of the railroad right-of-way to the westerly margin of Main Street per said plat; thence continuing northeasterly along the extension of said southerly margin to the northerly extension of the westerly margin of Depot Street per said plat; thence southeasterly along said northerly extension of Depot Street to the most northerly corner of Lot 125 of said plat; thence continuing southeasterly along said westerly margin of Depot Street to the northerly margin of said Chicago Street; thence southeasterly to the point of beginning.

(B) The following land in the Village of Quincy, Branch County, Michigan, is added to the description of the Downtown District.

(1) *Parcel 1 (Star of the West)*. The north 31 feet 3 inches of Lot 147 Section 16 T6S R5W - Lots 146 & 151 also Lot 168 also the north 6.35 feet of Lot 152 Section 16 T6S R5W - the south half of Lot 160 except the south half RD Section 16 T6S R5W - Lot 159, also the north half of Lot 160, Section 16 T6S R5W T6S R5W.

(2) *Parcel 2 (Sattler Property)*. Plot in the southwest corner of Lot 12 and the west end of Lot 8 as follows beginning at a point south 71 degrees 9 minutes, west 259.15 feet and south 13 degrees 50 minutes, east 102.39 feet from intersection of south line of Chicago St. & west line of Main St., thence south 13 degrees 50 minutes, east 96.01 feet north 74 degrees 43 minutes, east 68.48 feet, north 11 degrees 2 minutes, west 100.84 feet, south 71 degrees 19 minutes, west 73.66 feet to beginning Section 16 T6S R5W - beginning at a point south 71 degrees 9 minutes, west 127.13 feet & south 16 degrees 8 minutes, east 102.12 feet from the intersection of the south line of Chicago St. and the west line of Main St., thence south 71 degrees 9 minutes, west 62.56 feet, south 11 degrees 2 minutes, east 42.91 feet, east 61.68 feet, north 9 degrees 10 minutes, west 64.55 feet to beginning Section 16 T6S R5W.

(3) *Parcel 3 (Lock & Storage)*. Lot 122 also Lot 123 except the east 44 feet of Section 15 T6S R5W L534 P786.

(4) *Parcel 4 (Hagaman Property)* That part of Lot 6 lying east of a line drawn southerly from the southwest corner of Lot 2 and at right angles to the south line of Chicago St. Section 16 T6S R5W - that part of Lot 5 lying east of a line drawn southerly from the southwest corner of Lot 2 and at right angles to the south line of Chicago St. Section 16 T6S R5W.

(Ord. 125, passed 6-6-91; Am. Ord. 134, passed 1-14-93)

§ 32.06 BOARD OF TRUSTEES.

(A) The Authority shall be under supervision and control of a Board of Trustees consisting of the President and eight members appointed as provided by Public Act 197 of 1975, 4(1), being M.C.L.A. §§ 125.1654(l). The members shall be appointed by the President with concurrence of the Village Council and shall hold office for the terms provided in Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 - 125.1680. All members shall hold office until the members's successor is appointed, and shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(B) The Board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the village. All meetings of the Board shall be open to the public, and subject to the provisions of the Open Meetings Act, and other state laws relating to governing boards.

(Ord. 125, passed 6-6-91)

§ 32.07 POWERS OF AUTHORITY.

Except as specifically otherwise provided in this chapter, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

(Ord. 125, passed 6-6-91)

§ 32.08 FISCAL YEAR; ADOPTION OF BUDGET.

(A) The fiscal year of the Authority shall begin on July 1 of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the village.

(B) The Board shall annually prepare a budget and shall submit it to the Council on the same date that the proposed budget for the village is required. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Village Council. The Board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by ordinance.

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

(D) All expense items of the Authority shall be publicized monthly and the financial records shall always be open to the public.

(Ord. 125, passed 6-6-91)

§ 32.09 FINANCING.

Notwithstanding any other powers and authority provided by law, the activities of the Authority shall be financed only from one or more of the following enumerated sources.

- (A) Donations to the Authority for the performance of its functions.
- (B) Monies borrowed and to be repaid as authorized by Public Act 197 of 1975, § 13, being M.C.L.A. § 125.1663.
- (C) Proceeds of a tax increment financing plan, established under Public Act 197 of 1975, § 14, being M.C.L.A. § 125.1664.
- (D) Monies obtained from other sources approved by the governing body of the village.
(Ord. 125, passed 6-6-91)

§ 32.10 DOWNTOWN DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

(1) **ACT.** Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680, as amended.

(2) **BASE YEAR ASSESSMENT ROLL.** The base year assessment roll prepared by the Assessor in accordance with divisions (E) and (F) below of this section.

(3) **CAPTURED ASSESSED VALUE.** The amount in any one year by which the current assessed value as finally equalized of all taxable property in the **DEVELOPMENT AREA** exceeds the initial assessed value.

(4) **DEVELOPMENT AREA.** The Development Area as described in §§ 32.01 through 32.09 herein, and any subsequent amendments.

(5) **DEVELOPMENT PLAN.** The Development and Tax Increment Financing Plan prepared by the Authority and included in the plan approved by the Village Council on March 11, 1993.

(6) **DOWNTOWN DEVELOPMENT AUTHORITY, DDA, and AUTHORITY.** The Village of Quincy Downtown Development Authority.

(7) **INITIAL ASSESSED VALUE.** The most recently assessed value as finally equalized of all the taxable property within the boundaries of the Development Area at the time of the adoption of this section.

(8) **TAXING JURISDICTION.** Each unit of government levying an ad valorem property tax on property in the Development Area.

(B) *Approval and adoption of Development Plan.* The Development Plan as amended by the Village Council is hereby approved and adopted. A copy of the Development Plan and all amendments thereto shall be maintained on file in the Village Clerk's office.

(C) *Review consideration for the Plan.* As required by Public Act 197 of 1975, being M.C.L.A. §§ 125.1651 through 125.1680, the Village Council has, in reviewing the Development Plan, taken into account the following considerations.

(1) The Plan meets the requirements set forth in Public Act 197 of 1975, being M.C.L.A. § 125.1667(2).

(2) The proposed method of financing the development is feasible and the Authority has the ability to arrange the financing.

(3) The development is reasonable and necessary to carry out the purposes of the Act.

(4) The land included within the Development Area to be acquired, if any, is reasonably necessary to carry out the purposes of the Plan and of the Act in an efficient and economically satisfactory manner.

(5) The Development Plan is in reasonable accord with the Master Plan of the village.

(6) Public services, such as fire and police protection and utilities, are or will be adequate to service the Development Area.

(7) Changes in zoning, streets, street levels, intersections and utilities, to the extent required by the Plan, are reasonably necessary for the projects described therein and for the village.

(D) *Public purpose.* The Village Council hereby determines that the Development Plan constitutes a public purpose, and hereby determines that it is in the best interests of the public, in order to halt property value deterioration in the business district, to eliminate the causes of that deterioration and to promote economic growth, to adopt the Development Plan.

(E) *Confirmation and maintenance of base year assessment roll.* The base year assessment roll shall be prepared, confirmed and transmitted in accordance with the Act.

(F) *Preparation of annual base year assessment roll.* Each year within 15 days following the final equalization of property in the Development Area, an updated base year assessment roll showing the information required in the initial base year assessment roll and, in addition, the captured assessed value for that year, shall be prepared in accordance with the Act and the Development Plan.

(G) *Establishment of project fund; approval of depository.* The Treasurer of the Authority shall establish a separate fund, to be known as the Project Fund, which shall be kept in a depository bank account or accounts in a bank or banks approved by the Board of the Authority. All monies received by the Authority shall be deposited in the Project Fund. All monies in the Project Fund and earnings thereon shall be used only in accordance with the Plan.

(H) *Deposit of taxes into project fund.* The Village Treasurer, Township Treasurer, and the County Treasurer shall, as ad valorem taxes are collected on the property in the Development Area, pay that proportion of the taxes, except for penalties and collection fees, that the captured assessed value bears to the initial assessed value, to the Treasurer of the Authority for deposit into the project fund. The payments shall be made on the date or dates on which the Village Treasurer, Township Treasurer and the County Treasurer are required to remit taxes to each of the taxing jurisdictions.

(I) *Annual report.* Within 90 days after the end of each fiscal year, the Authority shall submit to the Village Council, with copies to each taxing jurisdiction, a report on the status of the project fund. The report shall include the amount and source of revenue in the account, the amount and purposes of expenditures from the account, the amount of principal of and interest on any outstanding indebtedness, the amount in any bond reserve account, the initial assessed value of the Development Area and the amount of captured assessed value retained by the Authority, the tax increments received and the amounts of any surplus from the prior year, and any additional information requested by the Village Council or deemed appropriate by the Authority. The Secretary of the Authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the village.

(Ord. 136, passed 3-11-93)

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CHAPTER 33: FINANCE

Section

Special Assessment Procedure

- 33.01 Title
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Dishonored Checks

- 33.15 Purpose
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- 33.17 Checks drawn without sufficient funds
- 33.18 Liability for expense of dishonored check response

- 33.99 Penalty

SPECIAL ASSESSMENT PROCEDURE

§ 33.01 TITLE.

The short title of this subchapter shall be "Special Assessment Procedure Ordinance".
(Ord. 122, passed 9-13-90)

§ 33.02 DEFINITIONS.

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

COST. When referring to the cost of any local public improvement, shall include the cost of services, plans, condemnation, spreading of rolls, notices, advertising, financing, construction, engineering, legal fees and all other costs incident to the making of such improvement, the special assessments for such improvement, and the financing of such improvement.

LOCAL PUBLIC IMPROVEMENT. Any public improvement which is of such a nature as to benefit especially any real property or properties within a district in the vicinity of such improvement. A public improvement project may include, or may consist solely of, the maintenance, cleaning, repair or restoration of public property, and specifically may include the cleaning and repair of public parking lots and snow removal therefrom.

(Ord. 122, passed 9-13-90)

§ 33.03 PROCEDURE.

(A) *Initiation of projects.* Public improvement projects may be initiated either by petition from the interested property owners or by the Village Council. Petitions for public improvement projects shall be submitted to the Village Clerk on forms furnished by the Clerk.

(B) *Report on project.* Before commencing any public improvement project, the Council shall first obtain a survey and report by the Superintendent of the Department of Public Works concerning the need for, desirable extent of, and probable cost of such proposed public improvement. Such survey and report shall be initiated by resolution of the Council (Resolution No. 1)

(C) *Hearing of necessity.* After receiving survey and report of the Superintendent, if the Council decides to proceed, such decision shall be by resolution (Resolution No. 2), which shall direct that a public hearing on the necessity of making the public improvement be held. Notice of this hearing shall be published in a newspaper distributed within the village and served by first class mail addressed to the owner of each parcel concerned, according to the records of the village, which publication and mailing shall be made not less than seven days prior to the date of the hearing. The notice need not state the legal descriptions of the lands within the special assessment district, but shall be sufficient if so drawn as to afford reasonable notice of the lands to be affected. A public hearing of necessity shall not be required when a petition for a public improvement is signed by all of the owners of properties to be assessed therefor. After the hearing of necessity, the Council shall determine by resolution (Resolution No. 3) to proceed or not to proceed with the proposed public improvement. If, prior to the adoption of the resolution to proceed with the making of the public improvement, written objections thereto have been filed by the owners of property in the district, which, according to the superintendent's report, will be required to bear more than 50% of the cost thereof, or by a majority of the owners of the property to be assessed, no resolution determining to proceed to proceed with the improvement shall be adopted, except by the affirmative vote of four members of the Council.

(D) *Preparation of special assessment roll.* If the decision shall be to proceed, Resolution No. 3 shall direct the assessor to prepare the special assessment roll for the proposed project and shall state the estimated life of the project, the amount to be assessed, the basis for assessment, the locality constituting the district to be assessed and other conditions that should be considered. Upon receiving such order and directions, the assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon. The assessor shall levy thereon and against those persons the amount to be assessed, in the manner directed by the Council and the provisions of this section applicable to the assessment. In all cases where the ownership of any description is unknown to the

assessor, the assessor shall, in lieu of the name of the owner, insert the name "unknown"; and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, or in the name of a person other than the owner, the assessment shall not, for any such cause, be vitiated, but shall, in all respects, be as valid upon and against the lot, parcel of land or premises as though assessed in the name of the property owner, and when the assessment roll shall have been confirmed, be a lien on the lot, parcel of land or premises and collected as in other cases. When the assessor shall have completed the special assessment roll, he or she shall sign it and report the same to the superintendent for submission to the Council.

(E) *Review and confirmation of special assessment roll.* After the filing of the special assessment roll, the Council shall set a date for a public hearing on the proposed roll, and number it consecutively. Notice of this hearing shall be given as provided in division (B) of this section. The hearing shall be held regardless of the number of signers of any petition. At the hearing, the Council and assessor shall meet and review the assessment, and shall hear any objections to any assessment which may be made by any person deeming himself or herself aggrieved thereby, and the Council may correct the roll as to any assessment, or description of premises, appearing therein, and may confirm it as reported, or as corrected; or they may refer the assessment back to the Assessor for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, it shall be confirmed by resolution (Resolution No. 4), and the Village Clerk shall make an endorsement upon the roll showing the date of confirmation.

(F) *Special assessments; installments, collection, interest.* Upon the confirmation of any special assessment, the amount thereof may be divided into not more than ten installments, one of which shall be collected each year, at such times as the Council shall determine, with annual interest at a rate not exceeding that allowed by state legislation, but the whole assessment after confirmation may be paid to the Village Treasurer at any time in full, with the proportionate interest thereon. All special assessments, except such installments thereof as the Council shall make payable at a future time, as provided in the preceding division, shall be due and payable upon confirmation.

(G) *Special assessments; divided land, apportionment.* Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the Assessor shall apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed by the Council, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

(H) *Deficiency assessments.* Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the Council may make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid, provided that, when such excess is less than 5% of the total amount of the assessment roll, the excess may be placed in the General Fund. No additional assessment for any public improvement which exceeds 25% of the original assessment shall be made, unless such additional assessment be reviewed at a

meeting of the Council, for which meeting notices shall be published as provided in the case of review of the original special assessment roll.

(Ord. 122, passed 9-13-90)

DISHONORED CHECKS

§ 33.15 PURPOSE.

The village finds that a significant number of checks are written and dishonored within its geographical boundaries causing serious financial loss and hardship to citizens and merchants therein. In addition, the village finds that the financial loss and hardship incurred by its citizens and merchants seriously impacts on the stream of commerce and the general public by causing increases in the costs of goods and services. As a result of these activities, a greater operational and financial burden is placed upon the village's police and legal services by persons who are placing dishonored checks into the stream of commerce.

(Ord. 162, passed - -)

§ 33.16 DEFINITIONS.

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

ADDRESS OF RECORD. The address that appears on the check or the last known address of record of the maker of a check that is recorded with the Secretary of State at the time the check was presented for payment of money, goods or services.

CHECK. Any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository.

DISHONORED.

(1) Any check, draft or order drawn or written on any account or otherwise, upon any bank or other depository without sufficient funds for the payment of same when presentation is made to the drawee.

(2) Any check, draft or order drawn or written on any account which has been closed with or by the bank or other depository upon which it is drawn.

(3) Any check, draft or order drawn or written on any account for stop payment, any bank administrative purpose or any other reason that caused the check to become dishonored when presentation is made to the drawee. Exceptions include:

- (a) A check that was stolen and passed,
- (b) A stop payment check where a verified dispute exists between two parties.

DRAWEE. A person, business, organization, partnership, company, or corporation to whom a check is presented or is requested to pay the amount of money therein mentioned.

EXPENSES OF DISHONORED CHECK RESPONSE. The direct and reasonable cost incurred by the village or to a private person or corporation operating at the request or direction of the village, when responding to a reported dishonored check, including the cost of providing police, Village Attorney and/or administrative services in response to any reported dishonored check. These costs further include all of the salaries and wages of the village personnel and/or contractors engaged in investigation, supervision and report preparation, and all costs connected with the administration and provision of any prosecution of the person responsible for the dishonored check, except actual costs which may be levied

by the court as a result of statute or court rule.

MAKER. A person, business, organization, partnership, company, or corporation who is the maker or drawer of a check.

PRESENT. Make, draw, utter or deliver.

PRESENTING. The making, drawing, uttering or delivering.

PROTEST. A check has been refused for payment or acceptance by a bank or other depository.
(Ord. 162, passed --)

§ 33.17 CHECKS DRAWN WITHOUT SUFFICIENT FUNDS.

(A) No person shall with intent to defraud, make, draw, utter or deliver any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of the making, drawing, uttering or delivering, that the maker or drawer does not have sufficient funds in or credit with the bank or other depository, for the payment of the check, draft, or order in full upon its presentation, of the amount payable in such check, draft or order in any amount.

(B) No person shall with the intent to defraud, make, draw, utter or deliver any check, draft or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, if at the time of making, drawing, uttering, or delivering the check, draft, or order he or she does not have an account in or credit with the bank or other depository for the payment of the check, draft, or order upon presentation.

(C) No person shall with the intent to defraud make, draw, utter or deliver any check, draft or order for the payment of money to apply on account or otherwise, upon any bank, or other depository, unless the person has sufficient funds for payment for same when presentation is due to the drawee in any

amount, except where the lack of funds is due to garnishment, attachment, levy, or other lawful cause, and such fact was not known to the person who made, drew, uttered or delivered the instrument at the time of so doing.

(D) As against the maker or drawer thereof, the making, drawing, uttering or delivering, of a check, draft or order, payment of which is reused by the drawee, when presented in the usual course of business, shall be *prima facie* evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all cost and protest fees, with five business days after receiving notice by first class mail that such check, draft or order has not been paid by the drawee.

(E) Where such check, draft or order is protested on the grounds of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, non-payment and protest and shall be *prima facie* evidence of intent to defraud and knowledge of insufficient funds or credit with such bank or other depository.

(Ord. 162, passed - -)

§ 33.18 LIABILITY FOR EXPENSE OF DISHONORED CHECK RESPONSE.

(A) *Person responsible.* Any person is liable for the expense of a dishonored check response, if such person proximately causes, any incident resulting in a dishonored check response.

(B) *Presumption.*

(1) For the purpose of this subchapter a person is presumed to be the proximate cause of an incident if said person makes, draws, utters or delivers any dishonored check or causes directly or indirectly a check to become dishonored.

(2) For the purpose of this subchapter a person is presumed to have acted with intent to defraud if said person shall not have paid the drawer thereof the amount due thereon, together with all costs and protest fees, including the fees assessed, hereunder, within five business days after receiving notice by first class mail to the last known address of record that such check, draft or order has not been paid by the drawee.

(C) *Charges against person.* The expenses of a dishonored check response shall be a charge against the person liable for the expense under this subchapter. The charge constitutes a debt of that person and is collectible by the village for incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(D) *Cost recovery schedule.* The Village Council shall, by resolution, adopt a schedule of cost included within the expense of a dishonored check response. This schedule shall be available to the public from the Village Clerk, Treasurer or the Police Department.

(E) *Billing.* The Village Clerk, or his or her designee, may submit a bill for the dishonored check response by first class mail to the last known address of record or personal service to the person liable for the expenses as enumerated under this subchapter. The bill shall require full payment within 30 consecutive days from the date of service. Service by mail shall be effective upon depositing said bill in a United States Postal Service receptacle. In no event shall billing be permitted after one year from the last expense incurred.

(F) *Failure to pay; procedure to recover cost.* Any failure by the person described in this subchapter as liable for the expense of a dishonored check response, to pay the bill within 30 consecutive days of service shall be considered in default. In case of default, the village may commence civil suit to recover the expenses and any cost allowed by the law.

(Ord. 162, passed --) Penalty, see § 10.99

