

**TITLE I  
ADMINISTRATION**

**Chapter 1**

**ADOPTION, CONTENTS AND  
INTERPRETATION**

The within Ordinance Code was adopted by the Harbor Springs City Council pursuant to Act 279, Public Acts of 1909, State of Michigan, as amended, and ordered printed.

**1.100 Contents of Code.** This Code contains all ordinances of a general and permanent nature of the City of Harbor Springs and includes ordinances dealing with municipal administration, utilities and services, parks and public grounds, streets and sidewalks, zoning and planning, food and health, businesses and trades, building, housing, electrical, heating and plumbing regulations, police regulations and traffic regulations, and excludes ordinances granting franchises and special privileges, establishing sewer and other public improvement districts, providing for the construction of particular sewers, streets or sidewalks, or for the improvement thereof, and for the construction and improvement of other public works or authorizing the borrowing of money or the issuance of bonds.

The Zoning Ordinance of the City of Harbor Springs, adopted October 4, 1976, as amended to the date of adoption of this Code, is set forth as Chapter 51 of this Code, except as section numbers and references to other ordinances of the City are changed to conform to the Code numbering system. The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the City in effect on the date of adoption of this Code. All ordinances of a general and permanent nature in effect on the effective date of this Code are hereby repealed except as otherwise provided herein; provided, however, that any sections or parts of any such ordinance are saved from repeal. Ordinances hereafter adopted which are not of a general or

permanent nature shall be numbered consecutively, authenticated, published and recorded in the books of ordinances, but shall not be prepared for insertion in this Code, nor be deemed a part hereof.

**1.101 Short Title.** This ordinance Code may be known and cited as the “Harbor Springs City Code.”

**1.102 Headings.** No provisions of this Code shall be held invalid by reason of deficiency in any chapter or section heading.

**1.103 Responsibility.** Whenever any act or omission to act is a violation of this Code, including the amendments thereto, or of any rule or regulation adopted thereunder, any person who causes, secures, aids, or abets such violation may be prosecuted, and on conviction thereof, shall be punished as if he had directly committed such violation.

**1.104 Definitions.** The following words and phrases, when used in this Code and any amendment thereof, shall, for the purposes of this Code, have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning.

(1) “Person” shall include any individual, co-partnership, 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.

(2) “Public place” shall mean 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 of Michigan, or is a place to or upon which the public resorts or travels by custom, or by invitation, express or implied.

(3) “Street”, “highway” and “alley” shall 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" shall mean any such way or place providing a secondary means of ingress and egress from a property.

(4) "Sidewalk" shall mean 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.

(5) "City" shall mean the City of Harbor Springs.

**1.105 Title of Officer to Include Deputy or Subordinate.** Whenever, by the provisions of this Code, any officer of the City of Harbor Springs is assigned any duty or empowered to perform any act or duty, the title of said officer shall mean and include such officer or his deputy or authorized subordinate.

**1.106 Amendment Procedure.** This Code shall be amended by ordinance. The title of each amendatory ordinance, adapted to the particular circumstances and purposes of the amendment, shall be substantially as follows:

(1) To amend any section:

AN ORDINANCE TO AMEND SECTION \_\_\_\_\_ (or SECTIONS \_\_\_\_\_ and \_\_\_\_\_) OF CHAPTER \_\_\_\_\_ OF TITLE \_\_\_\_\_ OF THE CODE OF THE CITY OF HARBOR SPRINGS.

(2) To insert a new section, chapter or title:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HARBOR SPRINGS BY ADDING A NEW SECTION \_\_\_\_\_ (NEW SECTIONS, A NEW CHAPTER, or A NEW TITLE (as the case may be), WHICH NEW SECTION (SECTIONS, CHAPTER or TITLE) SHALL BE DESIGNATED AS SECTION \_\_\_\_\_ (SECTIONS \_\_\_\_\_ and \_\_\_\_\_) OF CHAPTER \_\_\_\_\_ OF TITLE \_\_\_\_\_ (or proper designation if a Chapter or title is added) OF SAID CODE.

(3) To repeal a section, chapter or title:

AN ORDINANCE TO REPEAL SECTION \_\_\_\_\_ (SECTIONS \_\_\_\_\_ and \_\_\_\_\_), CHAPTER \_\_\_\_\_, TITLE \_\_\_\_\_ (as the case may be), OF THE CODE OF THE CITY OF HARBOR SPRINGS.

**1.107 Number and Gender** Words of the Singular Number May Extend to and Embrace the Plural Number. Words of the plural number may include and be applied to the singular number. Words of the masculine gender may extend and apply to the feminine or neuter gender. Words of the neuter gender may extend and apply to the feminine or masculine genders.

**1.108 Tense.** Except as otherwise specifically provided or indicated by the context, words indicating the present tense shall extend to and include the time of the happening of any act, event or requirement for which provision is made in this Code.

**1.109 Service of Notice.** Except where the manner of service of notice is specifically provided for in sections of the City Charter, or in any section of this Code requiring notice, such notice shall be served:

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

(2) By mailing thereof, by registered mail, to such owner at his last known residence or business address; or

(3) By posting said notice in some conspicuous place on the premises of his last known residence or business address; or

(4) By publication of such notice in a newspaper having a general circulation in the City.

**1.110 Interference with Notices of the City.** No person shall interfere with, obstruct, mutilate, conceal, or tear down any official

notice posted by any City officer, unless permission therefor is given by said officer.

**1.111 Publication of Rules and Regulations.**

Except as otherwise provided by this Code, all rules and regulations made by the administrative officers which are required to make effective the provisions of this Code, shall become effective after the approval thereof by the Council and the filing of a certified copy thereof in the office of the City Clerk. Copies of all such rules and regulations shall be kept in the office of the City Clerk for public inspection and distribution.

**1.112 Penalty.** Unless another penalty is expressly provided in this Code, or in any amendment thereof, a person convicted of a violation of any provision of this Code shall be punished by fine and/or costs, the total of which fine and/or costs shall not exceed FIVE HUNDRED (\$500.00) DOLLARS, and/or by imprisonment for not more than ninety (90) days in the County Jail. Each act of violation, and every day upon which such violation shall occur or continue, shall constitute a separate offense.

**1.113 Penalty in Addition to Other Relief.**

In the event that the doing of any act or the permitting of a condition to exist is declared to be a nuisance by any section of this Code, the doing of such act or the permitting of such condition to exist may be punished as provided in this Article, in addition to or as an alternate procedure to, injunctive relief in a court of competent jurisdiction, or the abatement of such nuisance by procedures provided and permitted in the City's Charter.

**1.114 Severability.** It is the legislative intent of the Council that all provisions of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the City. Should any provision of the Code or part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions, and the remainder of this Code shall stand, notwithstanding the invalidity of any such provision thereof.

**1.115 Effective Date.** This ordinance Code shall take effect on the effective date of the enacting ordinance adopted pursuant to 1909 PA 279, as amended.

## Chapter 2

### ADMINISTRATIVE POLICY AND PROCEDURE

#### ARTICLE 1 CITY MANAGER

**2.100 Departmental Superintendent.** In accordance with the provisions of the Charter relating to the administration of the City, the Manager shall be superintendent of all departments and may effect any organization or reorganization of any department that he may deem necessary for its proper and efficient administration.

**2.101 Investigatory Powers.** The Manager shall have the power to investigate the affairs of any office subordinate to him, or make any special studies relating to administration or operation. He, or any investigator appointed by him, shall have the power to compel attendance of witnesses, and to compel production of papers, books, and records, and designate their deposition.

**2.102 Personnel Management.** He may cause one department to perform work for another, or cause a foreman or assistant in a department to perform duties of a subordinate in his own department or that of another. He may require an employee to perform several duties in one or any department or division, and he may add to the duties of any employee.

**2.103 Personnel Employment and Discharge.** He shall have the authority to hire such departmental employees as he may determine to be necessary, and shall have full authority to discharge such employees as he may deem necessary for the proper and efficient administration of the City.

**2.104 Purchasing and Storehouse Functions.**

(1) Besides being purchasing agent as provided by the Charter, he is charged with the storage and distribution of all supplies and

equipment used in the various departments and offices. He is charged with the sale of any salvaged material, equipment, or article which may be useless to the City. He shall provide for maintenance and repair of equipment, tools and buildings; and for the purchase of materials for construction; and for contractual services.

(2) Purchases or sales shall be made wherever practicable on a competitive basis; and all proposals are to be upon precise specifications, insofar as possible. Any purchase or sale in excess of FIVE THOUSAND (\$5,000.00) DOLLARS shall be approved first by at least a majority of a quorum of the Council. The FIVE THOUSAND (\$5,000.00) DOLLARS limitation shall not apply to utility operating materials expenditures, nor to other expenditures of enterprise-type operations, which will be regulated by internal budgetary policies of the various utility departments, to be approved and established by the City Council.

**2.105 Payment of City Funds.** The Manager shall issue a voucher covering each and every payment of City funds. Before issuing such voucher the supplies and materials delivered or work performed shall be duly inspected and certified by the Manager, or by a person designated by him. He shall require proper time reports for all services rendered, and his certification shall serve as a basis for the preparation of payroll vouchers.

**2.106 Bond Required.** The City Manager shall be bonded, the amount to be established by the City Council.

#### ARTICLE 2 CITY CLERK

**2.200 General Duties.**

(1) The Clerk shall be clerk of the Council, and shall with the Mayor, sign and attest all ordinances. He shall keep the journal of Council proceedings, each record of which shall be read and approved at the next succeeding Council meeting. The approval of the Council shall be

noted in the proceedings, with the date, and signed by the Clerk.

(2) In addition, the Clerk shall perform such other duties as are prescribed by the Charter and the general laws of the State.

**2.201 Tax Roll Duties.** The Clerk is charged with the preparation of the general City, County, State and School tax rolls; and with the preparation of the tax rolls for special assessment improvements.

**2.202 City Accountant.** The Clerk as chief accountant is charged with keeping all accounts and records of the City; and with keeping all accounts of the department of utilities.

**2.203 Receives and Collects Certain Moneys.** He shall be charged with the receipt of all moneys due the City upon public utility accounts or proceeds from sales, and shall make daily deposition thereof in the City depository. He shall receive and deposit all fees, penalties, interest and fines imposed by City officers, and all fees for licenses provided by ordinance.

**2.204 Accounting Procedure.** The Clerk shall devise and maintain accounting procedure, with the approval of the Manager, adequate to record in detail all transactions affecting the requisition, custody and disposition of values, including cash receipts and disbursements, and all revenues accrued and liabilities incurred. He is charged with assembling the recorded facts for public information in such summaries and analytical schedules in detailed support thereof as shall be necessary, to show the full effect of such transactions for each fiscal year, and in relation to each department of the City government, including district summaries and schedules for each utility owned and operated. He shall furnish periodically to the Manager, as requested, such information or statements relating to the condition of revenue or appropriation accounts, or funds.

**2.205 Payment of Claims Against City.** The Clerk shall issue checks for the payment of claims against the City only when such claims

are evidenced by a voucher approved by the Manager, and allowed by the Council. Checks shall be countersigned by the Treasurer.

**2.206 Certification of Appropriation Balances.** The Clerk shall certify that an unencumbered appropriation balance remains in a fund before any contract agreement or other obligation against that fund is authorized.

**2.207 Assistants.** The Clerk shall appoint and discharge such part-time assistants and full-time assistants as he shall deem necessary with the approval of the Manager.

**2.208 Bond Required - Liability.** The Clerk shall be bonded, the amount to be established by City Council.

### ARTICLE 3 CITY TREASURER

**2.300 General Duties.**

(1) The Treasurer is charged with the custody of all public money of the City, and all other public money coming into his hands as Treasurer.

(2) He is charged with the collection of the general City, County, State and School taxes and special assessment levies, and shall make daily disposition of same, including fees, penalties, interest and fines in the designated City depository.

(3) Upon warrant drawn against the proper fund, signed by the Mayor and countersigned by the Manager, the Treasurer shall transfer from the City depository to his working fund the amounts against the various funds, and shall make payment by check for individual claims, issued by the Clerk and countersigned by himself.

(4) The Treasurer shall keep accounts of funds showing receipts, disbursements and balances in such manner as prescribed by and under the supervision of the Clerk.

(5) In addition, the Treasurer shall perform such other duties as are required by State law.

**2.301 City Treasurer - Compensation - Bond Required.**

(1) [ The City Treasurer shall receive as total remuneration for his or her duties as City Treasurer, an annual salary of \$18,051, plus the cost of health insurance premiums afforded to City administrative personnel.] 4, 8, 11, 16, 22, 24, 28, 33

(2) The Treasurer shall be bonded, the amount to be established by City Council.

**2.302 Deputy City Treasurer - Compensation - Bonding.**

(1) The Office of Deputy City Treasurer is hereby established. The Deputy City Treasurer shall be appointed by the Treasurer, subject to the approval of the City Council. The Deputy City Treasurer shall act in the absence of the Treasurer, and shall have the same duties, responsibilities and liabilities as the Treasurer, when acting in said official capacity.

(2) The compensation, if any, of the Deputy City Treasurer shall be set by the City Council.

(3) The Deputy City Treasurer shall be bonded in such amount as shall, from time to time, be established by resolution of the City Council.

**ARTICLE 4  
CITY ASSESSOR**

**2.400 City Assessor General Duties.** The Assessor is charged with estimating the value of all taxable real and personal property in the City, and with making the assessment rolls for all general City, County, State, School and special assessment taxes. The Assessor shall also perform such other duties as required by State law.

**ARTICLE 5  
CITY ATTORNEY**

**2.500 City Attorney General Duties.** The Attorney must be an attorney at law. He shall be the legal advisor, City Attorney, and counsel for the City, and for all officials thereof in matters related to their official duties. The Council, Manager or Clerk may request an opinion in writing of the City Attorney upon any question of law involving their respective powers and duties.

**ARTICLE 6  
CITY DEPARTMENTS**

**2.600 Departmental Organization.** There may be established the following departments and divisions and such other departments as may be added by subsequent ordinance:

- (1) Department of Electricity.
- (2) Department of Water and Sewer.
- (3) Department of Public Works.
- (4) Police Department.
- (5) Fire Department.

**2.601 Department of Electricity.** The function of the Department of Electricity shall be the design, construction, and maintenance of the electric distribution system and the fire alarm system, the generation or purchase of electric energy, and the care and maintenance of the City's electric street lighting system and the electric distribution system.

**2.602 Department of Water and Sewer.** The function of the Department of Water and Sewer shall be water distribution, and the design, construction and maintenance of the water distribution system and collection and disposal of waste water and storm water run off.

**2.603 Department of Public Works.**

(1) The Department of Public Works is charged with the construction and maintenance of all public works and improvements of the City, except those otherwise provided for.

(2) The Department is charged with the design, construction, improvement, maintenance and repair of streets, sidewalks, alleys, boardwalks, beaches and other public highways and appurtenances thereof; of drains, ditches, culverts, streams and water courses; of public docks, boulevards, parks and other public places.

**2.604 Police Department.**

(1) The Police Department is charged with the preservation of the peace and order of the City, with the protection of the inhabitants from personal violence, and with safeguarding public and private property from destruction by unlawful depredation or by fire. It is made the duty of the Department to enforce all laws of the State and ordinances of the City, to apprehend all persons violating such laws, and to take the offender forthwith before the proper authority to be dealt with for the offense. The police shall have such powers as are provided by the State statutes in such cases made and provided.

(2) The Manager may appoint a Chief of Police and such additional police as may be necessary.

(3) The Chief of Police shall submit to the Manager a report of his activities, in the form and at such time as may be prescribed.

(4) Minimum Employment Standards. The minimum employment standards for law enforcement officers as established and adopted by the Michigan Law Enforcement Officers Training Council in accordance with Act No. 203, Public Acts of 1965, as amended, are hereby adopted as follows:

## STANDARDS

(a) Be a citizen of the United States.

(b) Minimum age of eighteen (18) years.

(c) Graduation from high school or equivalent. Equivalent defined as having attained a passing score on the General Education Development test indicating high school graduation level.

(d) Fingerprinting of applicants with a search of local, State and national fingerprint files to disclose any criminal record.

(e) The applicant shall not have been convicted of a felony offense.

(f) Good moral character as determined by a favorable report following a comprehensive background investigation covering school and employment records, home environment, personal traits and integrity. Consideration will be given to any and all law violations, including traffic and conservation law convictions as indicating a lack of good character.

(g) Acceptable physical, emotional and mental fitness as established by a licensed physician following examination to determine the applicant is free from any physical, emotional or mental condition which might adversely affect his performance of duty as a police officer.

(h) The applicant shall possess a valid Michigan driver's license.

(i) The trainee shall possess normal hearing and normal color vision. He shall be free from any impediments of the senses. He must possess normal visual functions and visual acuity in each eye correctable to 20/20. The trainee must be physically sound; well developed physically, with height and weight in relation to each other and to age as indicated by accepted medical standards, and in possession of his extremities. He shall be free from any physical defects, chronic disease, organic diseases, organic or functional conditions, or mental instabilities which may tend to impair efficient performance of duty or which might endanger the lives of others or himself if he lacks these qualifications.

(j) A declaration of the applicant's medical history shall become a part of the

background investigation. The information shall be available to the examining physician.

(k) An oral interview shall be held by the hiring authority or his representative to determine the applicant's acceptability for a police officer position and to assess appearance, background and ability to communicate.

(l) Recruitment and employment practices and standards shall be in compliance with existing Michigan statutes governing this activity.

### **2.605 Police Reserve.**

(1) For the purpose of augmenting the personnel of the Harbor Springs Police Department, there is continued a reserve force of Police officers to be known as the Harbor Springs Police Reserve.

(a) Membership. The Police Reserve Force shall be composed of residents of Emmet County and shall consist of such members as the City Manager and the Chief of Police deem necessary. The Police Reserve Force shall be under direct control and supervision of the Chief of Police of the City of Harbor Springs.

(b) Directors, Rules. The Chief of Police may appoint a Reserve Board of Directors. The Reserve Board of Directors, if one is appointed, and the Chief of Police, or the Chief of Police alone, shall promulgate rules and regulations governing organizational structure, uniforms, duties, conduct, appointment and dismissal procedures, set standards of qualifications for appointment and training and any other rules or regulations deemed necessary for the efficient and courteous operation of the Force.

(c) Police Powers. Reserve Police Officers shall have police powers only when acting under the direct orders of a full-time regular sworn officer. At all other times they shall consider themselves private citizens with no more powers than a private citizen.

(d) Compensation. Reserve Police Officers shall serve without compensation except where the City Council by its own action shall make provisions and appropriations therefor.

(e) Workers Compensation. Reserve Police Officers, while acting under the direction of the Chief of Police and during regular assigned tours of duty, shall be entitled to all rights and benefits provided under the provisions of Act 10 of the Public Acts of the First Extra Session of 1912 and the Amendments thereto, known as the Workers Compensation Law of Michigan, as amended. Council may provide any other insurance which they deem necessary for the welfare and protection of the members of the Reserve Force and the City of Harbor Springs.

(f) Age Required. Candidates for membership of the Reserve Police Force shall have attained a minimum age of eighteen (18) years and the maximum age upon appointment shall not exceed fifty-five (55) years of age.

(g) Acts Prohibited. It shall be unlawful:

(i) For any Reserve Police Officer to exercise his authority as a Policeman or to wear the uniform or insignia or to display his badge in an attempt to exercise such authority except during the performance of actual authorized duty.

(ii) For any person not duly appointed and sworn as a Reserve Police Officer to impersonate such Officer or to wear, carry or display a badge, designated dress or insignia of such Officer.

### **2.606 School Crossing Guards.**

(1) The Chief of Police is hereby authorized and directed to appoint special offices, to be known as Civilian Crossing Guards, in such numbers as he may deem necessary, to perform police duties under the direction of and in compliance with such rules and regulations as the Chief of Police shall promulgate.

(2) Such Civilian Crossing Guards shall wear such badges, dress and insignia as the Chief of Police shall direct, and shall be equipped in the manner which he deems necessary for the proper discharge of their duties.

(3) The Chief of Police shall promulgate rules relating to the qualifications, appointment, and removal of such Civilian Crossing Guards. Such persons shall serve with such compensation as may be provided for by the City Council of the City of Harbor Springs.

(4) It shall be unlawful for any Civilian Crossing Guard to exercise his authority as such guard, or to wear the uniform or insignia, or to display his badge in an attempt to exercise his authority, except during the performance of actual authorized police duty.

(5) It shall be unlawful for any Civilian Crossing Guard to knowingly and willfully neglect or refuse to respond for assignment of duty when called under such rules and regulations as promulgated by the Chief of Police.

(6) It shall be unlawful for any person not duly appointed and sworn in as a Civilian Crossing Guard to impersonate such officer, or to wear, carry, or display the badge, designated dress, or insignia, of such Civilian Crossing Guards.

#### **2.607 Fire Department.**

(1) The Fire Department is charged with the guarding of the City against the occurrence of fires, with combating and subduing fires, and with protecting property and persons against damage and accident resulting from fire.

(2) The Department shall consist of a Fire Chief to be appointed by the Manager, and such firemen as the Manager may deem necessary.

(3) The Fire Chief shall submit to the Manager a report of his activities, in the form and at such time as may be prescribed.

#### **2.608 Youth Bureau.**

(1) For the purpose of assisting in the enforcement of the laws of the City of Harbor Springs and the State of Michigan, there is hereby authorized an auxiliary to the Harbor

Springs Police Department to be known as the Harbor Springs Youth Bureau (“Youth Bureau”).

(2) The Youth Bureau shall be composed of as many members as the City Manager and Chief of Police deem necessary. Further, members shall possess such qualifications as the City Manager and Chief of Police shall deem necessary. The Youth Bureau members shall serve at the pleasure of the Chief of Police, and he shall have authority to dismiss any Youth Bureau member, or to disband the Youth Bureau entirely if, in his sole opinion, the Youth Bureau ceases to serve the functions for which it is designed.

(3) The Youth Bureau shall exist to interview, converse with and counsel youthful offenders of city ordinances and/or state misdemeanor laws who are qualified and who are, in fact, enrolled in the Youth Bureau Program. The Youth Bureau Program shall have as its goal the encouragement of voluntary compliance with the laws of the City of Harbor Springs and the State of Michigan. Other youths who qualify for enrollment in the Youth Bureau Program may also be enrolled if the Chief of Police determines that the Youth Bureau Program seems appropriate.

(4) A youth may qualify for enrollment in the Youth Bureau Program only in the following circumstances:

(a) Enrollment shall be strictly voluntary by the individual youth, and if under the age of 18, must also be with the voluntary consent of his or her parents or legal guardian; and

(b) Enrollment shall be only upon the recommendation of the Chief of Police; and

(c) Enrollment shall not prejudice the right of the Chief of Police to subsequently request prosecution for any offense committed by an enrollee either prior to enrollment in the Youth Bureau Program or subsequent thereto.

(d) Youth Bureau members shall serve without compensation and are not employees of the City, but are solely volunteers providing a community service.

(e) The Chief of Police shall report to City Council at least annually, and at such other times as requested by City Council, on the operation of the Youth Bureau.

**ARTICLE 7  
CITY RECORDS**

**2.700 Disposition of Certain Records.**

Records of the City shall be maintained in accordance with State law, and those records which are deemed by the Council of no further value may be disposed of in the manner provided by Section 5 of Act 271, PA 1913, as amended.

**2.701 Post audit Required.** No record shall be destroyed except in accordance with a Record Retention Schedule approved by the Council and by the Director of the Michigan State Historical Society, and no financial record created after June 30, 1952, shall be destroyed except in accordance with State law, and no financial record created after June 30, 1952, shall be destroyed, unless there shall have been a post audit covering the period of which such record pertains.

**2.702 Certain Records to Be Kept Permanently.** The following records of the City shall be kept permanently, and nothing in this Article shall be construed to authorize the destruction thereof:

- (1) Records of official action by the Council and of City Boards and Commission.
- (2) General ledgers, general journals, and cash books.
- (3) Bond and interest ledgers, and records of bonds and interest coupons destroyed, unless contained in other reports which are permanently retained.
- (4) Tax assessment and special assessment rolls.
- (5) Deeds and other title papers, during period of City ownership.

(6) Records of tax liens, foreclosures, and sales.

(7) Records of securities owned or held in trust, during the period of such ownership or holding.

(8) Final budget reports.

(9) Annual reports.

(10) Auditor's reports.

(11) Maps and records of existing underground improvements.

(12) City Engineer reports, maps, field notes, and records.

(13) Cemetery records.

(14) Municipal Court records.

(15) City Attorney opinions.

## Chapter 3

## BOARDS AND COMMISSIONS

ARTICLE 1  
GENERAL PROVISIONS

**3.100 Continuity of Office.** All boards and commissions functioning at the time of the adoption of this Code shall be continued and the members serving thereon shall remain in office for the duration of the term for which they were appointed.

**3.101 Scope of Authority of Boards and Commissions.** All boards and commissions, except those with authority and powers under State law, shall be advisory in nature and function, and shall have no authority to act or to adopt rules and regulations enforceable by law without first obtaining the consent of the Council, as hereinafter provided.

**3.102 Projects and Objectives.** The Council shall, from time to time, charge the various commissions with accomplishing projects and achieving general policy objectives, which said projects and policy objectives shall stand as a mandate to the particular board or commission to fulfill.

**3.103 Bylaws.** Every board or commission established under this Article shall prepare and submit for approval to the Council bylaws to govern the procedure, administration and execution of the mandated objectives set by Council for the particular board or commission. After approval by Council, the bylaws of the respective board or commission shall be adopted by said board and it shall thereafter be governed by said bylaws. Every board or commission shall provide for a chairman, vice-chairman, secretary and treasurer, the duties of which shall be provided for in the bylaws and shall be drawn, to the extent possible, in conformity with a standard set of bylaws as maintained by the City Clerk.

**3.104 Open Meetings Act.** All boards and commissions subject to the Open Meetings Act shall comply therewith.

**3.105 Rule Making Authority.** Any board or commission may recommend rules or regulations to the City Council of the City of Harbor Springs. If such rule or regulation is approved by the City Council in the same manner as required for approval of an ordinance, and if said rule or regulation is published in accordance with the statutes in such cases made and provided for publication of ordinances, and if said rule and regulation is maintained in a public record by the City Clerk, such rule and regulation shall have the same force and effect as an ordinance adopted by the City.

**3.106 Finance and Budgets.** Every board and commission requiring funds for its operation, or authorized or entitled to receive funds or to make expenditures, shall, on or before September 1 of each year, prepare and file with the Council a report and projection of all funds and property received by it and expenditures made by it during the past fiscal year, with its anticipated budget of operations for the forthcoming fiscal year. No board or commission shall keep or maintain a separate account for funds of said commission, all said funds to be deposited with the City Clerk for deposit in the City's general fund. The commission's records and books shall be open to inspection at all times by the Council or the general public.

**3.107 Sources of Revenue, Permitted Expenditures.** Any monies at any time appropriated to a board or commission, or received by the commission as a contribution or otherwise, shall be expended only after authorized by the Council either pursuant to the budget review process described above or after special approval by the Council. Any donations or contributions of money or property from any persons, firms or corporations shall be reported and paid over to the City Clerk for deposit to the City's general fund.

**3.108 Council Consultation on Ordinances.** The City Council, to the extent possible, shall consult with the appropriate board or commission prior to adopting any ordinance regulating those matters within the scope of the jurisdiction of the appropriate board or commission.

**ARTICLE 2  
BOARD OF REVIEW  
(ASSESSMENTS)**

**3.200 Board of Review.** The Council shall appoint three (3) citizens of the City who are freeholders, but not members of the Council, who shall constitute the Board of Review. The term of office of members of the Board shall be for three (3) years, with the term of office of one (1) member expiring at the end of each calendar year. In the first instance, the Council shall arrange the terms of members to establish the foregoing schedule of terms of office. The Board shall have the powers and duties provided by the City Charter and by law. The Assessor shall be the Clerk of the Board and shall keep a record of its proceedings. The Assessor may be heard on all matters before the Board, but shall not be a member thereof. The Board shall, annually in February, select its own chairman for the ensuing year. Two (2) members of the Board shall constitute a quorum. The Council shall set the compensation of the members of the Board.

**3.201 Preparation of Assessment Roll.** The City Assessor shall, on or before the first Monday in March of each year, make and complete an assessment roll of taxable property in the City, and shall submit the roll, over his certificate, to the Council. The assessment roll shall be open to public inspection during the week of the first Monday in March and notice to that effect shall be published by the Clerk at least four (4) days prior to the first Monday in March. Within this period, any person may file in writing with the Clerk a complaint of any assessment stating specifically the grounds of the complaint.

**3.202 Review of Assessment Roll.** The Board of Review shall meet on the second Monday in March of each year at such time of day and place as shall be designated by the Council to review the roll and to consider any complaints which may have been filed with the Clerk and to hear any complaints which property owners make in person or by their agent or attorney. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just; in all cases, the roll shall be reviewed according to the facts existing on the tax day and no change of the status of any property after said date shall be considered by the Board in making its decision. The Board may continue its meetings on such successive days as may be necessary to hear all complaints. It shall be the duty of the Clerk of the Board to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

**3.203 Notice of Meetings.** Notice of the meeting of the Board of Review shall be published by the Clerk at least four (4) days prior to the second Monday in March.

**3.204 Statutory Authority.** This Article changes the dates for review of assessments from those dates set forth in the Charter and is enacted under the authority of Public Act 285 of 1949, being Michigan Statutes Annotated 7.30(1), Compiled Laws of 1948, Section 211.30a, which statute provides that the legislative body of any city may by ordinance fix the period for making, completing and reviewing the assessment roll, any provisions of the Charter to the contrary notwithstanding.

**ARTICLE 3  
AIRPORT BOARD**

**3.300 Airport Board.** The Airport Board for the City of Harbor Springs is continued. Such Board shall advise the Council on all matters connected with the operation, supervision, improvement and maintenance of the airport and the public facilities thereon.

**3.301 Membership, Appointment and Terms.**

(1) The Airport Board shall be composed of five (5) members to be appointed by the City Council. In the event any neighboring municipality joins in the financial support of the airport, then one of the members of the Airport Board shall be from that municipality and shall be appointed by the government of that municipality rather than by the Harbor Springs City Council. The Board may also appoint such advisors as it may deem fit, who may attend all meetings, but shall not have voting power and whose function is to advise and consult with the Airport Board.

(2) Prior to the first day of January in each year, the City Council of the City of Harbor Springs shall appoint members to said Airport Board for a three (3) year term to fill the places of those whose terms have expired. Vacancies may be filled by the Council for the balance of the unexpired term when they occur.

(3) The Mayor of the City of Harbor Springs shall be an ex officio member of this Board with the right to vote on said Board.

**3.302 Bylaws, Meetings.**

(1) The Airport Board shall adopt bylaws in accordance with Section 3.103 of the general provisions of Boards and Commissions.

(2) No member of the Board shall receive any salary for his services as a member, but may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(3) The Board shall hold at least two (2) meetings a year, but may have additional meetings at the discretion of the chairman whenever he deems it necessary.

**ARTICLE 4****CITY PLANNING COMMISSION**

**3.400 City Planning Commission.** The Harbor Springs City Planning Commission is

continued in accordance with the provisions of Act No. 285 of the Public Acts of the State of Michigan for 1931 as amended, and shall have all the duties and powers, and shall perform all the functions provided by said Act, as amended.

**3.401 Membership of City Planning Commission.**

The City Planning Commission shall consist of nine (9) members who shall represent, insofar as possible, different professions or occupations. Eight (8) of said members shall be appointed by the Mayor and confirmed by a majority vote of the members elect of the City Council. None of the appointed members shall hold any other municipal office except that one of the appointed members may be a member of the Zoning Board of Appeals or the Fire Advisory Board. The term of each appointed member shall be three (3) years. The other one (1) member shall be a member of the Council to be selected by resolution of the Council, and shall serve as a member ex officio, with full voting rights. The term of the ex officio member shall be determined by the Council, and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a Council member. All members of the City Planning Commission shall serve as such without compensation. All members shall hold office until the successors are appointed and have qualified. Members, other than the member selected by the Council, after a public hearing, may be removed by the Mayor for inefficiency, neglect of duty or malfeasance in office. The Council may for like cause remove the member selected by it. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor in the case of members selected or appointed by him, and by the Council in the case of the member appointed by the Council.

**3.402 Chairman, Meetings, Rules, Records, Quorum.**

The Planning Commission shall elect its own Chairman from the members of the Commission and create and fill such other of its offices as it may determine. The term of the Chairman shall be one (1) year, with eligibility for reelection. The Commission shall hold at

least one (1) regular meeting in each month and shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be open to public examination in the office of the City Clerk at any reasonable time during business hours. A majority of the City Planning Commission shall constitute a quorum for the transaction of business.

**3.403 Employees.** The Planning Commission may recommend to the City Council such employees as may be necessary for its work and may recommend to City Council that it contract with city planners, engineers, architects and other consultants as may be necessary.

**3.404 Powers and Duties of City Planning Commission.** The City Planning Commission shall have such powers, rights, duties and responsibilities as are provided under the provisions of Act No. 285 of the Public Acts of the State of Michigan for 1931, as amended, and as further provided by other relevant State law provisions and the Zoning Code of the City of Harbor Springs.

**3.405 Reports and Recommendations.** The City Planning Commission shall make reports and recommendations to the City Council relative to the City's planning needs, its anticipated growth, and shall submit plans to control future growth, promote community development and shall report on any and all other matters related to city planning as may be necessary, or as may be specifically charged to said Commission by the Council.

## ARTICLE 5

### HARBOR COMMISSION

**3.500 Harbor Commission.** The City Harbor Commission is continued. Such Harbor Commission shall advise the Council on all matters connected with the operation, supervision, improvement and maintenance of the harbor and the public facilities therein.

**3.501 Membership, Appointment and Terms.** The City Council of the City of Harbor

Springs shall appoint nine (9) members to serve on and as the Harbor Commission. Prior to the first day of January in each year, the City Council of the City of Harbor Springs shall appoint members to said Harbor Commission for a term of four (4) years each to fill the places of those whose terms have expired. Vacancies which occur for reasons other than expiration of a term may be filled at any time.

**3.502 Ex Officio Members.** The Mayor of the City of Harbor Springs, or his designate, shall be an ex officio member of this Commission, with the right to vote on said Commission.

### 3.503 Bylaws, Meetings.

(1) The Harbor Commission shall adopt bylaws in accordance with Section 3.103 of the general provisions of Boards and Commissions.

(2) No member of the Commission shall receive any salary for his services as a member, but may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(3) The Commission shall hold at least three (3) meetings a year, but may have additional meetings at the discretion of the chairman whenever he deems it necessary.

**3.504 Compensation.** No member of the Commission shall receive any salary for his services as a member, but may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

**3.505 Meetings.** The Commission shall hold regular meetings, the time and place to be set out in the minutes of the first meeting. The number of meetings per year shall be at the discretion of the Commission, but the Commission must meet in regular session at least three (3) times per year. Special sessions may be called at the discretion of the Chairman or Vice Chairman at any time they deem necessary.

**ARTICLE 6  
HISTORICAL COMMISSION**

**3.600 Historical Commission.** The City Historical Commission is continued. Such Historical Commission shall advise the Council on all matters pertaining to the following: promoting knowledge and appreciation of the heritage of the City of Harbor Springs; fostering and encouraging the collection and preservation of historical materials; stimulating historical study, research and publications; and sponsoring the observance and commemoration of occasions of historical significance.

**3.601 Membership Appointment and Terms.**

(1) The City Council of the City of Harbor Springs shall appoint seven (7) members to serve on and as the Historical Commission.

(2) Prior to the first day of January, 1982, and each year thereafter, the City Council of the City of Harbor Springs shall appoint members to the Historical Commission for a term of two (2) years each, to fill the places of those whose terms have expired and to fill such vacancies as may exist.

(3) The curator of the Blackbird Museum shall be an ex officio member of this Commission, with the right to vote on said Commission.

**3.602 Bylaws, Meetings.**

(1) The Historical Commission shall adopt bylaws in accordance with Section 3.103 of the general provisions of Boards and Commissions.

(2) No member of the Commission shall receive any salary for his services as a member, but may be reimbursed for actual and necessary expenses incurred in the performance of official duties.

(3) The Commission shall hold at least four (4) meetings a year, but may have additional

meetings at the discretion of the chairman whenever he deems it necessary.

**ARTICLE 7  
DOWNTOWN DEVELOPMENT  
AUTHORITY**

**3.700 Downtown Development Authority.** Pursuant to Act No. 197 of the Public Acts of 1975, as amended, the City of Harbor Springs does hereby continue a Downtown Development Authority which shall be established and regulated pursuant to said Act No. 197 of the Public Acts of 1975, as amended. The Authority shall analyze the impact of economic changes and growth in the Downtown District, and develop plans in coordination with the City's Planning and Parking Commissions, to promote orderly economic growth in the Downtown Development District. With the advice and consent of the City Council, the Authority shall implement a Development Plan in the Downtown District as necessary to achieve the purposes of the Downtown Development Act, all in accordance with the powers granted by said Act.

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

“Beginning at a point on the southerly extension of the westerly line of Lot 41 of J.C. Glenn's survey as recorded in Liber A on Page 86 of the Emmet County, Michigan records 400 feet southerly from the waters edge of Little Traverse Bay; thence along the westerly line of said Lot 41 and its southerly extension northerly to the southerly line of Main Street as used; thence easterly along the southerly line of Main Street to the southerly extension of the westerly line of Lot 1 Block 5 of Isaac Whicher's Plat as recorded in Liber 5 of Plats on Page 4; thence along the westerly line of said Lot 1 and its southerly and northerly extensions to the centerline of Third Street; thence westerly along the centerline of Third Street to the southerly extension of a line 40 feet east of and parallel with the westline of said Lot 2, Block 4 of said Whicher's Plat;

thence northerly parallel with the westline of said Lot 2 to a point 78 feet northerly of the northline of Third Street; thence westerly parallel with the northline of Third Street to the westline of said Lot 2; thence along the westline of said Lot 2 northerly to the northerly line of said Whicher's Plat; thence easterly along the northerly line of said Whicher's Plat to the centerline of Judd Street; thence southerly along the centerline of Judd Street to the northline of Bay Street; thence easterly along the northline of Bay Street to the westline of Lot 8, Block 10 of said Whicher's Plat; thence southerly along the westline of said Lot 8 and its southerly extension to a point 400 feet southerly from the waters edge of Little Traverse Bay; thence westerly along a line 400 feet southerly from the waters edge of Little Traverse Bay to the Place of Beginning.”

### **3.702 Board Membership.**

(1) [The affairs of the Downtown Development Authority shall be under the supervision and control of a board consisting of the Mayor of the City of Harbor Springs and not less than 7 or more than 11 other members, as determined from time by resolution of the City Council.

(2) Members of the board shall be appointed by the Mayor, subject to approval by the City Council.

(3) Not less than a majority of the members of the board shall be persons having an interest in property located in the downtown district.

(4) Not less than one (1) of the members of the board shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it.

(5) Of the members first appointed, an equal number of the members (as near as is practicable) shall be appointed for 1 year, 2 years, 3 years and 4 years. Thereafter, each member shall serve for a term of 4 years.

(6) An appointment to fill a vacancy on the board shall be made by the Mayor of the City of Harbor Springs.

(7) A member of the board shall hold office until the member's successor is appointed.

(8) The Chairperson of the board shall be elected by the board.

(9) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.]<sup>35</sup>

**3.703 Meetings.** The Board shall prepare bylaws to govern the procedure of meetings and powers of its officers, which shall be submitted to the City Council for approval prior to their adoption by the Board.

**3.704 Sources of Revenue, Permitted Expenditures.** The activities of the Authority shall be financed from one or more of the funding sources set out in Section 11 of Act 197 of the Public Acts of 1975, as amended, and shall expend no monies without prior approval of City Council of the City of Harbor Springs.

**3.705 Authority Subject to State Law.** The Downtown Development Authority is to be controlled and regulated strictly by the Downtown Development Authority Act, being Act No. 197 of the Public Acts of 1975, as amended.

**Chapter 4**  
**SPECIAL ASSESSMENTS**

**4.100 Initiation of Special Assessment Projects.**

(1) A special assessment project may be commenced by resolution of the Council on its own initiative, or by initiatory petitions signed by owners of not less than sixty-five (65%) percent of the frontage of property to be assessed for the projects; provided, however, that any petition bearing less than sixty-five (65%) percent of the assessable frontage shall not prevent the Council from declaring any project a public necessity.

(2) Such initiatory petitions shall be signed by the owner and shall state petitioner's address, lot number and name of subdivision.

(3) The circulator of such petition shall verify that said petition signers are the owners of the property described on the petition, and that each signature on said petition is the genuine signature of each respective petitioner.

(4) Such initiatory petitions shall be filed in the office of the City Clerk prior to the fifteenth day of November of any year in order to receive consideration on the construction program of the following year. Petitions shall in no event be mandatory upon the Council.

(5) All petitions shall be circulated and signed on printed forms furnished by the City Clerk.

(6) The City Clerk shall record the date of acceptance of any such petitions and refer same to the City Manager. The City Manager shall check all petitions to determine whether they conform to the foregoing requirements, and shall report his findings to the Council, which shall accept, defer or reject such petitions.

**4.101 Request for Report.** Upon the adoption of a resolution commencing a special assessment project or the acceptance of a special assessment project petition, the Council will, by

resolution, refer same to the City Manager directing him to prepare a report which shall include such necessary and pertinent information in order to permit the Council to ascertain the cost, extent and necessity of the proposed improvements, together with what proportion thereof should be paid by special assessment upon the property especially benefited, and what proportion, if any, should be paid by the City at large. The Council shall not order the making of any special assessment improvement prior to the filing of the report of the City Manager, and until after a public hearing has been held for the hearing of objections to the making of such special assessment improvements.

**4.102 Determination of the Project - Notice of Hearing.**

After the City Manager has presented the report required in Section 4.101 to the Council, and it has reviewed said report, a resolution may be passed determining the necessity of the improvements; setting forth the nature thereof; determining the benefits to be received by affected properties, and what proportion, if any shall be paid by the City at large; designating the limits of the special assessment district to be affected; prescribing what proportion of such improvement shall be paid by special assessment upon the property especially benefited; designating whether to be assessed by frontage or other methods of assessing benefits; setting forth the number of annual installments in which the assessment may be paid; prescribing the rate of interest to be charged against unpaid installments; placing the complete information on file in the office of the Clerk where the same may be found for examination, and directing the Clerk to publish a notice of a public hearing on the proposed improvement at which opportunity will be given interested persons to be heard. Such notice shall be made by one publication in a newspaper published or circulated within the City at least one (1) week prior to the holding of the hearing and shall designate the time and place thereof. Such notice shall also be sent by first class mail, at least ten (10) days before hearing, to all property owners in the proposed district as shown by the current assessment roll of the City.

The hearing required by this Section may be held at any regular, adjourned or special meeting of the Council.

**4.103 Objections to Improvements.** If, at or prior to such meeting of the Council, owners whose property lies in the special assessment district, representing not less than fifty (50%) percent of the total assessable benefits, shall object in writing to the proposed improvement, such improvement shall not be made except by a vote of five (5) members of the Council.

**4.104 Hearing on Objections.** At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the Council may proceed in such a manner as they shall deem to be in the best interests of the City as a whole. If, after such hearing, the Council determines to proceed with the special assessment project, a resolution shall be passed ordering the proposed improvement, directing the City Manager to proceed with the work and directing the Assessor to prepare a special assessment roll therefor.

**4.105 Cost of Condemned Property Added.** Whenever any property is acquired by condemnation, or otherwise, for the purpose of any special assessment, the cost thereof and of the proceedings to acquire such property may be added to the cost of such special improvement; provided, however, that in the case of condemnation for a special assessment project lying wholly on the property of a single owner or such property in joint ownership, the cost of any building or other improvement thereon, which is condemned, shall not be added to the cost of the improvement, but shall be borne by the City.

**4.106 Deviation from Plans and Specifications.** No substantial deviation from the plans and specifications of the special assessment project, as adopted, shall be permitted by an officer or employee of the City without the authority of the Council by resolution. A copy of the resolution authorizing such changes or deviation shall be certified by

the City Clerk and attached to the approved plans and specifications on file in his office.

**4.107 Special Assessment Roll.** The Assessor shall make a special assessment roll of all lots or parcels of land within the designated or modified district benefited by the proposed improvement, and assess to each lot or parcel of land the amount benefited thereby. The amount spread in each case shall be based upon the estimated cost of the project or the actual final cost thereof, as reported to and as approved by the Council, as the case may be.

**4.108 Special Assessments.** Special assessments shall be based upon or in proportion to the benefits derived or to be derived, as determined by the Council. The assessment for sanitary sewers or watermains may be made on a benefit basis by dividing the cost into the number of lots to be served. Multiple use of property or potential multiple use thereof may be assigned multiple units of cost in proportion to each use. Any part of the cost of sewer or watermain not chargeable as a benefit to the property spread shall be assessed to the City.

**4.109 City's Share of Improvement Cost.** The City shall assume a share of the cost of improvements for paving, curb, and gutter, and new sidewalks as follows:

- (1) Paving on major streets  
75%  
Curbs, gutters and storm sewers on major streets  
50%
- (2) On curbs and gutters, storm sewers and paving of local streets  
50%
- (3) On sidewalks  
33 1/3%
- (4) On sanitary sewers or water lines the entire charge will be to the property owner except in the case of corner lots where the property has been assessed for a sanitary sewer on one street, such property shall receive an

exemption equal to the amount of frontage previously assessed when the sewer was laid in the intersecting street; provided, however, that such exemption shall not exceed the value of any benefit equal to sixty-six (66) feet of frontage.

**4.110 Special Assessment Roll - Date for Hearing.** When the Assessor shall have completed such assessment roll, he shall file the same with the Clerk for presentation to the Council for review and certification. The Council, by resolution, shall order the special assessment roll to be filed in the office of the Clerk for public examination, shall fix the time and place to review said roll, and direct the Clerk to publish a notice of public hearing. Such notice shall be made by one publication at least one (1) week prior to the holding of the hearing. The hearing may be held at any regular, adjourned or special meeting of the Council.

**4.111 Hearing on Special Assessment Roll - Revision and Approval.** The Council shall review such special assessment roll and consider all objections thereto. The Council may correct or amend said roll as to any assessment or description of property, or any other matters appearing therein. The Council may reject such assessment roll and the same proceedings shall be had in making a new roll as in the making of an original roll. If, after hearing all objections, the Council determines that assessments are in proportion to benefits derived or to be derived, it shall thereupon pass a resolution reciting such determinations, confirming such roll, placing it on file in the office of the City Treasurer, and directing the Treasurer to collect the various amounts on said roll in accordance with such resolution. Such roll shall have the date of confirmation endorsed thereon by the Clerk, and shall be final and conclusive for the purpose of the improvement to which it pertains.

**4.112 Special Assessments - When Due.** All special assessments shall be due and payable upon confirmation of the roll except such installments as the Council shall make payable at a future time under the provisions of this

Chapter. After the Council has confirmed the roll, the Treasurer shall notify by mail each property owner on said roll that said roll has been filed, stating the amount assessed. Failure to receive notice shall not invalidate any special assessment roll of the City nor excuse the payment of interest. Each property owner shall have such time as the Council may fix from the date of notification to pay said assessment in full, or any part thereof, in a sum of not less than the first installment thereof as set by the Council, without interest or penalty. Following said period of time fixed by the Council, the property owner may pay all of his assessment at any time, but shall be required to pay any interest or his pro rata share of any bonding costs that the City has obligated itself to pay by reason of financing said improvement. Each annual installment after the first installment shall become due on the first day of July of each succeeding calendar year beginning with the year following the year in which the first installment becomes due, and shall be collected in the same manner and subject to the same conditions as City taxes upon such roll.

**4.113 Collection and Creation of Lien.** Whenever any special assessment roll shall have been confirmed, and is payable as in this Chapter provided, the Council shall direct the assessment so made in said roll to be collected directly therefrom or from the present tax rolls, and thereupon the City Clerk shall attach his warrant to said roll, therein demanding the treasurer to collect the several amounts stated therein. Special assessments and all interest and charges thereon from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by the general tax law for State and County taxes, and by the City Charter for City taxes, until paid.

**4.114 Installments - Past Due.** Installments on a special assessment roll shall be collected in the following manner:

(1) The Council may, in the resolution required by Section 4.102, provide the time during which the first installment of any special

assessment may be paid, without any penalty, interest or other charge, and that, if the amount due on the first installment on a special assessment roll is unpaid at the end of the said period of time, a stated collection fee shall be added and, if the same remains unpaid, such installment and collection fee shall be spread upon the next tax roll for the collection of taxes in the City. When so spread, such special assessments and added collection fees shall be collected in like manner and subject to the same condition as taxes spread on such roll.

(2) The remaining installments becoming due upon any special assessment roll shall be spread and collected upon each subsequent City tax roll for the year in which the same become due, and shall be collected in the same manner as City taxes, and subject to the same penalty and interest charges or fees as City taxes.

**4.115 Assessment for Abating Hazards and Nuisances.** In the event it shall become necessary to abate a hazard or nuisance as described in Section 2.2(s) of the Charter, the Council shall determine what amounts or part of each such expense shall be charged, and the property upon which the same shall be levied as a special assessment. The Council shall adopt a resolution setting forth the several amounts so determined, and the several lots or premises affected, and directing that the persons chargeable therewith be notified thereof by the City Clerk either by registered or certified mail, or by publication. Such resolution and notice shall state the basis for the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty (30) days, in which payments shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Council, which shall direct the Assessor to spread such amounts against the descriptions of property chargeable therewith on the next general tax roll for the collection of taxes in the City.

**4.116 Additional Procedures.** In any case where the provisions of this Chapter may prove to be insufficient to carry into full effect the

making of any special assessment, the Council shall provide by ordinance any additional steps or procedures required.

**4.117 Special Assessment Account.** Moneys raised by special assessment to pay the cost of any local improvement shall be held in a special fund to pay such cost and to repay the money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied, subject only to the provisions of Section 10.1 of the City Charter.

**4.118 Contested Assessments.** No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment unless, within thirty (30) days after the confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action, stating the grounds on which it is claimed that such assessment is illegal, and unless such suit or action shall be commenced within sixty (60) days after confirmation of the roll.

**4.119 Reassessment for Benefits.** Whenever the Council shall deem any special assessment invalid or defective for any reason whatsoever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatsoever, in whole or in part, the Council shall have power to cause a new assessment to be used for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for in the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment, and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.

**4.120 Combination of Projects.** The Council may combine several special assessment districts into one project for the purpose of effecting savings in the cost.

**Chapter 5****ELECTIONS****ARTICLE 1****ODD YEAR ELECTIONS**

**5.100 Nominating Petitions.** Pursuant to the authority granted to cities by Section 644(e) of Act No. 239 of the Public Acts of 1970, being MCL 168.644e, nominating petitions for elective office in the City of Harbor Springs to be filled in odd-year general elections shall be filed by 12:00 o'clock noon on the seventh Saturday prior to the odd-year general election. The place of filing and the number of signatures shall be the same as is now required by law for such offices.