**TITLE III: ADMINISTRATION**

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 **CHAPTER** **30:** **OFFICERS AND EMPLOYEES**

Section

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 **30.01 COMPENSATION.**

(A) *Council members.* Compensation for Council members will be periodically determined by Council resolution. Said officers shall receive no other compensation for services performed for and on behalf of the village during the term of office.

(B) *Other officers and employees.* All other village officers and employees shall receive such compensation as the Council shall from time to time determine and establish by resolution.

(C) *Compensation adjustments.* No compensation paid any village officer, elected or appointed for a definite term of office, shall be increased or decreased so as to be effective during the current term of such officer. All such compensation may be increased or decreased only by resolution of the Village Council. A village officer, whether appointed for a definite term or elected, excepting the President and Trustees, may be paid additional compensation as the Village Council may allow or provide for, if such appointed or elected officer performs additional duties which are not germane to his or her office. Such additional compensation shall be at the sole discretion of the Village Council and shall have prospective application only.

(D) *Pension plan.* The President and Trustees may become participants in a qualified pension plan without violating this provision of the village code; provided, such qualified pension plan shall not take effect until after the next regular election in the village.

(Prior Code, Ch. 1160) (Ord. passed 9‑9‑1993)

 **30.02 VILLAGE CLERK AND VILLAGE TREASURER.**

(A) *Establishment of office.* As authorized by Ch. II,  2(3), of the General Law Village Act, being Public Act 3 of 1895, as amended, being M.C.L.A.  62.1(3), the offices of Village Clerk and Village Treasurer shall be chosen by nomination of the Village President and appointment by the Village Council.

(B) *Term of office.* The term of office for the Village Clerk and Village Treasurer shall be outlined in their respective at‑will work agreements as negotiated and agreed to between the employee and the Village Council.

(C) *Appointment procedure.* Upon expiration of the terms of office for the Village Clerk and Village Treasurer, the Council shall make a determination for re‑appointment of the current office holders or the appointment of new office holders. There is no provision for automatic renewal of office holders and no such expectation is stated or implied. Office holders are appointed by recommendation and nomination of the Village President and a majority vote of the Village Council.

(D) *Removal procedure.* The Village Clerk and Village Treasurer shall serve at the pleasure of the Village Council and, as such, may be removed from office by the recommendation of the Village President or a Trustee and a majority vote of the Council, but only after a hearing before the Council.

(Prior Code, Ch. 1160) (Ord. passed 4‑14‑2005)

 **30.03 TRUSTEES.**

(A) *Election and terms of office.* The election and term of office of a Village Trustee shall be as provided by law.

(B) *Filling vacancies.* A vacancy occurring in the office of Trustee shall be filled by appointment by the Council and the appointee shall hold office until the next regular election.

(C) *Vacancy in office.* A vacancy in the office of Trustee shall be deemed to occur upon death, mental incapacity as determined by a proper court, resignation, recall or forfeiture of office resulting from:

(1) Disqualification on grounds as provided by law;

(2) Conviction of a crime involving moral turpitude; or

(3) Unexcused absences from three consecutive meetings of the Council.

(Prior Code, Ch. 1101)

 **CHAPTER 31: ORGANIZATIONS**

Section

31.01 Housing Commission

31.02 Planning Commission

31.03 Downtown Development Authority

 **31.01 HOUSING COMMISSION.**

Pursuant to Public Act 18 of the Extra Session of 1933, as amended, being M.C.L.A.  125.651 et seq., a commission is hereby created in and for the village to be known as the Lake Linden Housing Commission.

(Prior Code, Ch. 10010)

 **31.02 PLANNING COMMISSION.**

(A) Pursuant to Public Act 33 of 2008, as amended, being M.C.L.A.  125.3801 et seq., a commission is hereby created in and for the village to be known as the Lake Linden Planning Commission.

(B) The Commission shall consist of nine members who shall represent, insofar as possible, different professions and occupations. The nine members shall include six members chosen at large and appointed by the President with the approval of the Council and the remaining three members would be ex officio members consisting of:

(1) The President;

(2) An administrative official designated by the President; and

(3) One Council member chosen by the Council.

(C) All members of the Commission shall serve as such without compensation and the appointed members shall hold no other village office, except one of such appointed may be a member of the Zoning Board of Adjustments or Appeals. The terms of the ex officio members shall correspond to their respective official tenures; except that, the term of the administrative official selected by the President shall terminate with the term of the President selecting him or her. The term of each appointed member shall be for three years or until his or her successor takes office; except that, the respective terms of two of the members first appointed shall be for one year and two for two years.

(D) No person shall be eligible for appointment to said Planning Commission unless such person shall be an elector of the village.

(E) Every person appointed to said Village Planning Commission shall, within eight days after receiving notice of such appointment, take and subscribe to the official oath of office and file the same with the Village Clerk.

(F) The said Commission shall elect its Chairperson from amongst its appointed members and create and fill such other of its offices as it may determine. The term of Chairperson shall be for one year, with eligibility for reelection. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(G) The Commission may appoint such employees as it may deem necessary for its work. The Commission may also contract with planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by Council, which shall provide for funds, equipment and accommodations necessary for the Commissions work.

(H) It shall be the function and duty of the Commission to make and adopt a master plan for the physical development of the village, including any areas outside of its boundaries which, in the Commissions judgment, bear relation for the planning of the village.

(I) All of the powers and duties set forth in Public Act 33 of 2008, as amended, being M.C.L.A.  125.3801 et seq., are hereby granted to the Village Planning Commission.

(J) The Commission shall prepare and submit an annual report to the Council as well as other periodic reports that may be requested by the Council.

(K) Previous to the budget meeting of the Council, the Commission shall submit an estimate of the moneys deemed necessary for the operation of the Planning Commission.

(Prior Code, Ch. 10001)

 **31.03 DOWNTOWN DEVELOPMENT AUTHORITY.**

(A) *Establishment.* A Downtown Development Authority and a Downtown Development District, pursuant to Public Act 197 of 1975, being M.C.L.A.  125.1651 et seq., has been established according to law. All previous lawful actions of the Village Council and the Downtown Development Authority with respect thereto are ratified and confirmed.

(Prior Code, Ch. 13001, 1)

(B) *Members, term, appointment.* In accordance with  4 of Public Act 197 of 1975, being M.C.L.A.  125.1651 et seq., the Downtown Development Authority shall consist of nine members to be appointed by the Village President, one of which will be the Village President, whose term will coincide with his or her term as Village President. The eight other members, exclusive of the Village President, shall serve for a term of four years until his or her successor shall be appointed and qualified. Members of the first Board shall be appointed for staggered terms in accordance with the provisions of  4 of Public Act 197 of 1975, being M.C.L.A.  125.1651 et seq. No appointment to the Downtown Development Authority shall be effective until confirmed by the Village Council. Members shall serve without compensation, but shall be reimbursed for any actual and necessary expenditures. The Chairperson of the Board shall be elected by the Board. Not less than a majority of the members shall be persons having an interest in property located in the downtown district, and not less than one of the members shall be a resident of the downtown district. All current appointments to the Downtown Development Authority shall stand.

(Prior Code, Ch. 13001, 2)

(C) *Powers and duties.* The Downtown Development Authority shall have all the powers and duties granted and imposed by Public Act 197 of 1975, being M.C.L.A.  125.1651 et seq., as heretofore or hereafter amended; it being the intention of this section to vest in the Downtown Development Authority all powers and duties vested or permitted by law, subject to superintending control by the Village Council.

(Prior Code, Ch. 13001, 3)

(D) *Employees.* The Downtown Development Authority is empowered to select and appoint such employees as it deems necessary for the proper exercise of its powers, functions and duties in accordance with Public Act 197 of 1975, being M.C.L.A.  125.1651 et seq.

(Prior Code, Ch. 13001, 4)

(E) *Downtown development district boundaries.* The Downtown Development District shall include all of the land located in the village as set forth in Exhibit No. 1, attached to the ordinance codified herein and incorporated by reference herein.

(Prior Code, Ch. 13001, 5)

(F) *Downtown development and tax increment financing plan.*

(1) (a) A public hearing was held and notice of hearing given, pursuant to  18 of Public Act 197 of 1975, as amended, being M.C.L.A.  125.1668, as amended, on a Downtown Development and Tax Increment Financing Plan for the Village of Lake Linden Downtown Development District, the plan being set forth in a document entitled, Village of Lake Linden Downtown Development and Tax Increment Financing Plan, originally dated 11‑9‑1989, and any amendments.

(b) A further public hearing has been held and notice of the hearing has been given, pursuant to the statutory authority referenced above with respect to continuation of the Downtown Development and Tax Increment Financing Plan for the Village of Lake Linden Downtown Development District, and to provide for further amended boundaries for the Downtown Development District.

(2) The Village Council has made the following findings with respect to the continuation of the Downtown Development and Tax Increment Financing Plan of 11‑9‑1989, and further ratifies and incorporates its findings in this amended provision on the date hereof:

(a) The plan constitutes a public purpose within the meaning of  19 of Public Act 197 of 1975, as amended, being M.C.L.A.  125.1669, as amended;

(b) The plan meets the requirements set forth in subsec. 2,  17 of Public Act 197 of 1975, as amended, being M.C.L.A.  125.1667(2), as amended;

(c) The proposed method of financing set forth in the plan is feasible and the Downtown Development Authority has the ability to arrange financing for such plan;

(d) The Downtown Development and Tax Increment Financing Plan is reasonable and necessary to carry out the purposes of Public Act 197 of 1975, as amended, being M.C.L.A.  125.1651 et seq., as amended;

(e) The land to be acquired, or included, within the Downtown Development and Tax Increment Financing Plan is reasonably necessary to carry out the purposes of the plan in an efficient and economically satisfactory manner, including the enlarged boundaries contained in the further amended boundary description being a part hereof;

(f) The Downtown Development and Tax Increment Financing Plan is in reasonable accord with the Master Plan of the village;

(g) Public services, such as fire and police protection and utility services, are or will be adequate to service the project area;

(h) Changes in zoning, streets, street levels, intersections and utilities are reasonably necessary for the project and the village; and

(i) A development area council is not required.

(3) The Village Council, therefore, finds that the villages Downtown Development and Tax Increment Financing Plan dated 11‑9‑1989, and any amendments, shall be, and is, hereby ratified, confirmed and continued.

(4) The downtown district boundaries shall be, and are, hereby further amended to increase the Downtown Development District in size according to the attached map and boundary description contained in Exhibit No. 1, attached to the ordinance codified herein.

(Prior Code, Ch. 13002)

 **CHAPTER 32: MUNICIPAL ORDINANCE VIOLATIONS BUREAU**

Section

32.01 Definitions

32.02 Municipal civil infraction action; commencement

32.03 Municipal civil infraction citations; issuance and service

32.04 Municipal Ordinance Violations Bureau; creation; location; supervision; employees; rules and regulations

32.05 Authorized village officials

32.06 Disposition of violations; Bureau limited to accepting admissions of responsibility

32.07 Municipal civil infraction violation notices

32.08 Appearance; payment of fines and costs

32.09 Procedure where admission of responsibility not made or fine not paid

32.10 Civil fines

32.11 Accounting and disposition of civil fines

32.12 Availability of other enforcement remedies

**32.01 DEFINITIONS.**

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

***ACT.*** Public Act 236 of 1961, as amended, being M.C.L.A.  600.8701 through 600.8735.

***AUTHORIZED VILLAGE OFFICIAL.*** A police officer or other personnel of the village authorized by this code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices.

***BUREAU.*** The Lake Linden Municipal Ordinance Violations Bureau as established hereby.

***MUNICIPAL CIVIL INFRACTION ACTION.*** A civil action in which the defendant is alleged to be responsible for a municipal civil infraction.

***MUNICIPAL CIVIL INFRACTION CITATION.*** A written complaint or notice prepared by an authorized village official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

***MUNICIPAL CIVIL INFRACTION VIOLATION.*** A written notice prepared by an authorized village official, directing a person to appear at the Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the village, as authorized under Public Act 236 of 1961, being M.C.L.A.  600.8701 and 600.8707(6) of the Act.

**32.02 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT.**

A municipal civil infraction action may be commenced upon the issuance by an authorized village official.

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

Municipal civil infraction citations shall be issued and served by authorized village officials as follows.

(A) The time for appearance specified in a citation shall be within 30 days after the citation is issued.

(B) The place for appearance specified in a citation shall be the district court.

(C) Each citation shall be numbered consecutively and shall be in a form approved by the states Court Administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the village and issued to the alleged violator as provided by Public Act 236 of 1961, being M.C.L.A.  600.8705 of the Act.

(D) A citation for a municipal civil infraction signed by an authorized village official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: I declare, under the penalties of perjury, that the statements above are true to the best of my information, knowledge and belief.

(E) An authorized village official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.

(F) An authorized village official may issue a citation to a person if:

(1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or

(2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction and if the prosecuting attorney or village attorney approves in writing the issuance of the municipal civil infraction citation.

(G) Municipal civil infraction citations shall be served by an authorized village official as follows.

(1) Except as provided by division (G)(2) below, an authorized village official shall personally serve a copy of the citation upon the alleged violator.

(2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting a copy on the land or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owners last known address.

**32.04 MUNICIPAL ORDINANCE VIOLATIONS BUREAU; CREATION; LOCATION; SUPERVISION; EMPLOYEES; RULES AND REGULATIONS.**

(A) The village hereby creates the Municipal Ordinance Violations Bureau (Bureau) pursuant to the Act (M.C.L.A.  600.8396), as it may be amended from time to time, to accept admissions of responsibility for municipal civil infractions for which municipal civil infraction violation notices have been issued and served by authorized village officials and to collect and retain civil fines for admissions of responsibility as prescribed by this code or any ordinance.

(B) The Bureau shall be located at the village hall and shall be under the supervision and control of the villages Clerk. The villages Clerk, subject to the approval of the Village Council, shall adopt rules and regulations for the operation of the Bureau.

**32.05 AUTHORIZED VILLAGE OFFICIALS.**

Village police officers are authorized to enforce the provisions of this chapter and may issue municipal civil infraction violation notices or municipal civil infraction citations for any municipal civil infraction. An official who has previously been authorized to enforce any provision of the code or any ordinance of the village, by the code or any ordinance shall be authorized to enforce that provision of the code or any ordinance as a municipal civil infraction under the provisions of this chapter and may issue municipal civil infraction violation notices or municipal civil infraction citations. Additionally, the Village Council may by resolution, authorize other persons to enforce the provisions of this chapter, including issuing municipal civil infraction violation notices or municipal infraction citations.

**32.06 DISPOSITION OF VIOLATIONS; BUREAU LIMITED TO ACCEPTING ADMISSIONS OF RESPONSIBILITY.**

The Bureau may only dispose of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction notice, as compared to a citation, has been issued. The Bureaus authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as result of those admissions. The Bureau shall not accept payment of a fine from anyone who denies having committed the offense or who admits responsibility only with explanation and, in no event shall the Bureau determine or attempt to determine the truth or falsity of any fact or matter relating to the alleged violation.

**32.07 MUNICIPAL CIVIL INFRACTION VIOLATION NOTICES.**

Municipal civil infraction violation notices shall be issued and served by authorized village officials under the same circumstances and upon the same persons as provided for citations in  32.03(F) and (G) of this chapter. In addition to any other information required by this code or other ordinance, the notice of violation shall indicate the date by which the alleged violator must appear at the Bureau, the methods by which an appearance may be made, the address and telephone number of the Bureau, the hours during which the Bureau is open, the amount of the fine scheduled for the alleged violation and the consequences for failure to appear and pay the required fine within the required time.

**32.08 APPEARANCE; PAYMENT OF FINES AND COSTS.**

An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs at or by the date specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person or by representation.

**32.09 PROCEDURE WHERE ADMISSION OF RESPONSIBILITY NOT MADE OR FINE NOT PAID.**

If an authorized village official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the Bureau, the Clerk or other designated village employee shall notify the issuing official that the alleged violator has not admitted responsibility and/or has not paid the fine and costs. A municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violators last known address. The citation filed with the court does not need to comply in all particulars with the requirements for citations as provided by Public Act 236 of 1961, being M.C.L.A.  600.8705 and 600.8709 of the Act, but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

**32.10 CIVIL FINES.**

Unless a different civil fine is provided for in any ordinance, the schedule of civil fines, payable to the Municipal Ordinance Violations Bureau for admissions of responsibility by persons served with municipal civil infraction violation notices shall be as established from time by a resolution adopted by the Village Council.

**32.11 ACCOUNTING AND DISPOSITION OF CIVIL FINES.**

The Clerk or other designated employee shall retain all municipal civil infraction violation notices and shall account to the Village Council as directed concerning the number of admissions and denials of responsibility for municipal civil infractions and the amount of fines and costs collected. The amounts collected in civil fines and costs shall be placed in the General Fund of the village.

**32.12 AVAILABILITY OF OTHER ENFORCEMENT REMEDIES.**

Nothing in this chapter shall be deemed to require the village to initiate its ordinance enforcement activity through the issuance of a municipal civil infraction violation notice. The village shall have the right to directly proceed with the issuance of a municipal civil infraction citation for any municipal civil infraction or to take other enforcement action as authorized by law.