

# **CODIFIED ORDINANCES OF TRAVERSE CITY**

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# CHAPTER 202

## Codified Ordinances

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### CROSS REFERENCES

Ordinances and resolutions generally - see CHTR. Secs. 31 et seq.; ADM. Ch. 222

Codification required - see CHTR. Sec. 34

Publication of ordinances and resolutions - see CHTR. Sec. 158

Publication of codes of municipal ordinances - see M.C.L.A. Sec. 117.5b

#### **202.01 DESIGNATION; CITATION; HEADINGS.**

- (a) This volume consists of all ordinances of a general and permanent nature of the Municipality, revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated as the Codified Ordinances of Traverse City, Michigan, 1990, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances.
  
- (a) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code." Sections may be referred to and cited by the designation "section" followed by the number, such as "Section 202.01."

#### **202.02 AMENDMENTS AND SUPPLEMENTS; NUMBERING.**

- (a) The Codified Ordinances of Traverse City may be amended or supplemented at any time and, when any amendment or supplement is adopted in such form as to indicate the intention of the City Commission to make the same a part thereof, such amendment or supplement shall be incorporated in, and deemed a part of, the Codified Ordinances, so that a reference to the Codified Ordinances shall be understood and construed as including the Codified Ordinances of Traverse City and any and all such amendments and supplements.
  
- (a) All amendments and supplements enacted as a part of the Codified Ordinances shall be integrated therewith by following the form of arrangement and plan

set forth in the original Codified Ordinances as follows: each Code shall be subdivided into titles and/or chapters, and each chapter shall be subdivided into sections, which shall be numbered in accordance with the decimal numbering system. The numbering of all sections, except penalty sections, shall be consecutive within each chapter commencing with the first section of Chapter 202, which shall be numbered 202.01, the first "2" signifying Code 2, and the two figures "02" before the decimal signifying the chapter within the Code, and the two figures "01" after the decimal signifying the first section in Chapter 202 of the Code. Penalty sections shall be designated "99" and shall be the last section of a chapter.

**202.03 DEFINITIONS AND INTERPRETATION.**

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

- (1) Adopting Ordinance. "Adopting Ordinance" means the ordinance of the Municipality adopting the Codified Ordinances of Traverse City, pursuant to law.
- (2) Authority. Whenever in the Codified Ordinances authority is given to an officer or an act is required to be performed, such authority may be exercised and such act may be performed, at the instance of such officer, by a deputy or subordinate, unless contrary to law or to the clear intent of any such particular provision.
- (3) Calendar-Computation of Time. The terms "month" and "year" mean the calendar month or year. The time expressed in days within which an act is to be done or a period is to expire shall be computed by excluding the first and including the last day, unless the last day is a Sunday or a legal holiday, in which case it shall be excluded. If time is expressed in hours, the whole of Sunday or a legal holiday shall be excluded.
- (4) City Commission. "City Commission" means the legislative authority of the City.
- (5) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.
- (6) County. "County" means the County of Grand Traverse, Michigan, and/or the County of Leelanau, Michigan.
- (7) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders.
- (8) General Rule. Except as otherwise provided in this section, words and phrases shall be construed according to the common usage of the language, provided, however, that technical words and phrases and such others as may have acquired a special meaning in the law shall be construed according to such technical or special meaning.

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- (9) Joint Authority. Words giving authority to a board, commission, authority or to three or more officers or employees or other persons shall be construed as giving authority to a majority thereof, unless otherwise specifically provided.
- (10) Keeper and Proprietor. "Keeper" and "proprietor" mean persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or as a servant, agent or employee.
- (11) Land and Real Estate. "Land" and "real estate" include rights and easements of an incorporeal nature.
- (12) Law. "Law" means all applicable laws of the United States of America, the State of Michigan and the City of Traverse City.
- (13) Municipality or City. "Municipality" or "City" means the City of Traverse City, Michigan.
- (14) Notice. "Notice" means notice as described in Section 202.04.
- (15) Number. Words in the plural include the singular and words in the singular include the plural number.
- (16) Oath. "Oath" includes affirmation. When an oath is required or authorized by law, an affirmation in lieu thereof may be taken by a person having conscientious scruples about taking an oath. An affirmation shall have the same force and effect as an oath.
- (17) Ordinance. "Ordinance" means and includes any ordinance of the Municipality, including any provision of these Codified Ordinances.
- (18) Owner. "Owner," when applied to property, includes a part owner, joint owner or tenant in common of the whole or any part of such property.
- (19) Person. "Person" includes any individual, copartnership, corporation, association, club, joint venture, estate, trust and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- (20) Premises. "Premises," when used as applicable to property, extends to and includes land and buildings.
- (21) Property. "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes lands, tenements and hereditaments.
- (22) Public Acts. "Public Acts" means Acts of the State legislature of the State of Michigan.
- (23) Public Place. "Public place" means any place to or upon which the public resorts or travels, whether such place is owned or controlled by the City or any agency of the State or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied.
- (24) Publish. "Publish" means to print in a newspaper of general circulation in the Municipality the entire document or a brief summary thereof with a listing of places where copies have been filed and times when they are available for inspection.
- (25) Reasonable Time. In all cases where provision is made for an act to be done or notice to be given within a reasonable time, it shall be deemed to mean such

- time only as may be necessary for the prompt performance of such act or the giving of such notice.
- (26) Residence. "Residence" means an abode in which a person permanently resides.
  - (27) Shall and May. "Shall" is mandatory; "may" is permissive.
  - (28) Sidewalk. "Sidewalk" means that portion of a street between the curb lines or lateral lines and the right-of-way lines, which is intended for the use of pedestrians.
  - (29) State. "State" means the State of Michigan.
  - (30) Street, Highway and Alley. "Street," "highway" and "alley" mean the entire width subject to an easement for public right of way, or owned in fee by the City, County or State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The word "alley" means any such way or place providing a secondary means of ingress and egress from a property.
  - (31) Tenant and Occupant. "Tenant" and "occupant," as applied to buildings or land, shall extend and be applied to any person holding a written or oral lease of, or who occupies the whole or any part of, a building or land, alone or with others.
  - (32) Tenses. The use of any verb in the present tense includes the future.
  - (33) Time. Whenever any time established in the Codified Ordinances for the taking of any action expires on a Sunday or a legal holiday, such time shall not expire on such day but shall expire on the next week day.
  - (34) Responsibility. Whenever any act is prohibited by a provision of these Codified Ordinances or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do such act.

**202.04 NOTICES.**

- (a) Notice regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the City may be assessed against the premises under the provisions of these Codified Ordinances, shall be served:
  - (1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion;
  - (2) By mailing such notice by certified or registered mail to such owner at his or her last known address; or
  - (3) If the owner is unknown, by posting such notice in some conspicuous place on the premises for five days before the act or action concerning which the notice is given.
- (b) No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any City officer unless permission is given by such officer to remove such notice or placard.

**202.05 SEVERABILITY.**

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

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

**202.06 SECTIONS AND ORDINANCES REPEALED.**

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

**202.07 EXEMPTIONS FROM REPEAL.**

The repeal provided for in Section 202.06 shall not affect:

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

**202.08 VIOLATIONS OF STATE LAWS.**

No person shall violate any law of the State, or any rule or regulation adopted by any duly authorized agency of the State. No enumeration of particular laws, rules or regulations in ordinances of the City shall be held to be exclusive.

(1976 Code Sec. 1.07)

**202.09 PUBLICATION OF RULES AND REGULATIONS.**

All rules and regulations made by an administrative officer, subject to approval by the City Commission under these Codified Ordinances, shall be published.

**202.10 ENFORCEMENT OF CODIFIED ORDINANCES.**

The City Manager shall enforce the provisions of these Codified Ordinances or he or she may delegate the enforcement thereof to any City official. Whenever a section of these Codified Ordinances is alleged to have been violated, the enforcement of which section by the Code Enforcement Officer has been authorized by the City Manager by Administrative Order, the Code Enforcement Officer shall have the authority to issue and serve an appearance ticket upon the violator if he has reasonable cause to believe that the person has committed an offense. Such appearance ticket shall be in the form subscribed by law. State law reference – MCL 764.9c et seq. (Ord. 937 Passed 4-2-12).

**202.11 APPLICATION OF CODIFIED ORDINANCES.**

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

**202.12 COPIES OF CODIFIED ORDINANCES.**

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

**202.99 GENERAL CODE PENALTY; COMPLICITY; CITATIONS.**

- (a) Designation. Unless a violation of this Code or any ordinance of the City is specifically designated as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- (b) General Penalty. Except for designated municipal civil infractions, whenever, in these Codified Ordinances, or in any technical or other code adopted by reference in these Codified Ordinances, or in any rule, regulation or order promulgated or made under authority of any provision of these Codified Ordinances, or under authority of any technical or other code adopted by reference in these Codified Ordinances, or under authority of State law, an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates or fails to comply with any such provision shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on

which a violation or noncompliance occurs or continues, unless otherwise provided.

- (c) Civil Infraction Sanction. The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under 1961 PA 236, as amended, and other applicable laws.
  - (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.
  - (2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this Section "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 6 month period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
    - (A) The fine for any offense which is a first repeat offense shall be not less than \$250.00, plus costs.
    - (B) The fine for any repeat offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500, plus costs.
  - (3) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.
- (d) Separate Offense. Each day on which any violation of this Code or any ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- (e) Action for Injunction or Other Process. In addition to any remedies available at law, the City may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any City ordinance.
- (f) Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of these Codified Ordinances, or a provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either or under authority of State law, and shall be in addition to any equitable remedy provided by a provision of these Codified Ordinances, or a

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provision of a technical or other code adopted by reference in these Codified Ordinances, or a rule, regulation or order promulgated or made under authority of either, or under authority of State law, including the enforced removal of prohibited conditions.

- (g) Complicity. Every person concerned in the commission of a violation or an offense under these Codified Ordinances, whether he or she directly commits the act constituting the offense or procures, counsels, aids or abets in its commission, may be prosecuted, indicted, tried, or found responsible, and on conviction shall be fined and punished as if he or she had directly committed such offense.
  
- (h) Citations. A police officer who witnesses a person violating this Code of Ordinances, which violation is either a misdemeanor or a civil infraction, may stop the person, detain the person temporarily for purpose of making a record of the violation and identifying the person, and preparing and subscribing as soon as possible the written citation, which shall be a notice to appear in court for the offense. If a police officer witnesses a person violating this Code of Ordinances within the City, that police officer may pursue, stop and detain the person outside the City for the purpose of exercising the authority and performing the duties described above. (Ord. No. 400. Passed 11-21-94. d. 506. Passed 8-7-00.)

# **CHAPTER 204**

## **Wards and Boundaries**

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

### CROSS REFERENCES

Boundaries of City - see CHTR. Sec.2

Election precincts - see CHTR. Sec. 4

Equal representation - see M.C.L.A. Sec. 117.3

Incorporated city or village annexed to home rule city - see M.C.L.A. Sec. 117.13

Apportionment - see M.C.L.A. Sec. 117.27a

Downtown District boundaries - see ADM. 298.04

Zoning district boundaries - see P. & Z. 1256.03, 1296.06

# CHAPTER 206

## Elections

206.01	Regular elections.	206.04	Conflicts with Charter
206.02	Primary elections.		
206.03	Certification of names of candidates.		

### CROSS REFERENCES

Elections generally - see CHTR. Ch. II  
Election Commission - see CHTR. Sec. 7; ADM. Ch. 280  
Recall; initiative; referendum - see CHTR. Ch. XV  
Adoption of Charter - see CHTR. Secs. 166 et seq.  
Canvass of votes in home rule cities - see M.C.L.A. Secs. 117.12, 117.15  
Boards of election commissioners generally - see M.C.L.A. Secs. 168.21 et seq.  
Compensation of boards of election commissioners – see M.C.L.A. Secs. 168.28, 168.682  
Canvass of votes generally - see M.C.L.A. Secs. 168.801 et seq.

#### **206.01) REGULAR ELECTIONS.**

Pursuant to the Michigan Election Law, Act 116 of the Public Acts of 1954, as amended (M.C.L.A. 168.1 et seq.), all regular City elections shall be held at the odd-year general election on the Tuesday succeeding the first Monday in November in every odd-numbered year. Reference in the City Charter to the "general City election" shall be to the regular City election. All regular and special City elections shall be nonpartisan.  
(Ord. 121. Passed 4-6-81.)

#### **206.02) PRIMARY ELECTIONS.**

Repealed.  
(Ord. 767. Passed 8-6-07.)

#### **206.03 CERTIFICATION OF NAMES OF CANDIDATES.**

The City Clerk shall forthwith, after the last day for receiving and filing nominating petitions, certify to the Election Commission the names and post office addresses of all candidates whose petitions meet the requirements of the City Charter and this chapter, together with the name of the office for which they are candidates.  
(Ord. 121. Passed 4-6-81.)

#### **206.04 CONFLICTS WITH CHARTER.**

Pursuant to M.C.L.A. 168.644l; M.S.A. 6.1644(12), this chapter shall take precedence over and supersede Sections 8, 9, 16 and 17 of the City Charter.  
(Ord. 121. Passed 4-6-81.)

# **CHAPTER 220**

## **City Commission**

- |                         |                                |
|-------------------------|--------------------------------|
| 220.01 Rules.           | 220.04 Meetings.               |
| 220.02 Terms of office. | 220.05 Conflicts with Charter. |
| 220.03 Mayor.           |                                |

### **CROSS REFERENCES**

City Commission generally - see CHTR. Chs. III, IV  
Power to conduct investigations - see CHTR. Sec. 41  
Procedure re initiative and referendum - see CHTR. Sec. 145  
First City Commission - see CHTR. Secs. 168, 169  
Legislative body in home rule cities - see M.C.L.A. Sec. 117.3  
Enforcement of Subdivision Regulations - see P. & Z. 1242.01

### **220.03) RULES.**

- a) Pursuant to the City Charter, the City Commission shall determine its rules by resolution, which resolution shall provide for a minimum vote required for suspension and amendment of the rules. Such minimum vote may not be reduced.
  
- b) The City Clerk shall, at all times, keep in his or her office an official copy of such rules, certified as to the date upon which such rules were adopted. The City Clerk shall also keep a current up-to-date copy of such rules available for public inspection during normal business hours.

(1976 Code Sec. 2.01; Ord. 106. Passed 12-17-79.)

### **220.02 TERMS OF OFFICE.**

- (a) The members of the City Commission, including the Mayor, shall hold office beginning at 7:00 p.m. on the first Monday immediately after the regular City election, except as outlined in Subsection C of this Section.
  
- (b) The terms of office shall be so arranged that not more than four Commissioners, including the Mayor, shall retire at any one time.
  
- (c) All terms elected in 2007 shall commence at 8:00 p.m. on the Monday immediately after the regular City election; additionally, the term of the Mayor elected in 2009 shall commence and expire at 8:00 p.m. on the Monday following the regular City election. However, the terms of those elected to the Office of City Commissioner in 2009 and thereafter shall expire at 7:00 p.m. on the first Monday immediately after the regular City election. The term of the individual elected to the Office of Mayor in 2011 and thereafter shall expire at 7:00 p.m. Beginning in 2013, all terms elected shall commence at 7:00 p.m.

(Ord. 121. Passed 4-6-81. Ord. 480. Passed 8-16-99. Ord. 530. Passed 4-16-01. Ord. 816. Passed 12-1-08)

### **220.03 MAYOR.**

Insofar as required by State law, and for all ceremonial purposes, the Mayor shall be the chief executive officer of the City. The Mayor shall preside at meetings of the City Commission and shall have a voice and a vote in its proceedings, but no veto power. The Mayor shall authenticate by signature such instruments as the City Commission, the City Charter or the laws of the State require.

(Ord. 121. Passed 4-6-81. Ord. 480. Passed 8-16-99. Ord. 530. Passed 4-16-01.)

**220.04 MEETINGS.**

The City Commission shall have its organizational meeting at 8:00 p.m. on the second Monday in November of each year. Beginning in 2012, the organizational meeting shall be at 7:00 p.m. on the second Monday in November of each year. At the organizational meeting, any newly elected Commissioner shall assume the duties of their office. Regular meetings shall be held twice in each month, on the first and third Mondays, unless otherwise provided by ordinance. When any Charter or regular meeting date falls upon a legal holiday, such meeting shall be held upon the following business day. For purposes of this section, legal holidays shall be: New Year's Day; Martin Luther King, Jr., Day; President's Day; Fourth of July; and Labor Day.

(Ord. 121. Passed 4-6-81. Ord. 480. Passed 8-16-99. Ord. 530. Passed 4-16-01. Ord. 816. Passed 12-1-08. Ord. 862. Passed 3-15-10.)

**220.05 CONFLICTS WITH CHARTER.**

Pursuant to M.C.L.A. 168.6441; M.S.A. 6.1644(12), Sections 220.02, 220.03 and 220.04 shall take precedence over and supersede Sections 21, 22 and 24 of the City Charter.

(Ord. 121. Passed 4-6-81.)

# **CHAPTER 222**

## **Ordinances and Resolutions**

### **CROSS REFERENCES**

Ordinances and resolutions generally - see CHTR. Secs. 31 et seq.  
Codified Ordinances - see CHTR. Sec. 34; ADM. Ch. 202  
Ordinances for special assessments - see CHTR. Sec. 103  
Ordinances and resolutions for cemeteries and parks – see CHTR. Sec. 132  
Initiative and referendum - see CHTR. Secs. 143 et seq.  
Publication of ordinances and resolutions - see CHTR. Sec. 158  
Existing ordinances and resolutions - see CHTR. Sec. 172  
Ordinances in home rule cities - see M.C.L.A. Secs. 117.3, 117.5b  
Enforcement - see M.C.L.A. Sec. 117.4i  
Enactment - see M.C.L.A. Sec. 117.4j  
Actions to recover fines and penalties - see M.C.L.A. Sec. 117.29

### **222.01 PUBLICATION.**

Following the adoption of or an amendment to an ordinance by the City Commission, a notice of adoption shall be published in a newspaper of general circulation in the city by the City Clerk within ten days after adoption. Unless the City Commission expressly requires full publication at the time of adoption, a summary of the ordinance may be published. If a summary of the ordinance amendment is published, the notice shall include the following information: (1) The effective date of the ordinance; and (2) The place where a true copy of the ordinance may be inspected or obtained.

(Ord. 792. Passed 4-7-08.)

# CHAPTER 230

## Finance Generally

230.01	Purchasing procedures.	230.04	Payment procedures.
230.02	Accounting system.	230.05	Assessment of taxes.
230.03	Budget control.	230.06	Bonds.

### CROSS REFERENCES

Finance generally - see Mich. Const. Art. 9, Secs. 1 et seq.  
Purchasing procedure - see CHTR. Sec. 40  
Budget - see CHTR. Ch. VII, Sec. 171  
Borrowing power - see CHTR. Ch. VIII  
Utility moneys - see CHTR. Secs. 120 et seq.  
Uniform accounting system - see CHTR. Sec. 161  
Tax Assessors in home rule cities - see M.C.L.A. Sec. 117.3  
Deposit of public funds - see M.C.L.A. Secs. 129.11 et seq.  
Municipal bonds - see M.C.L.A. Secs. 132.2, 133.6, 135.7  
Municipal Finance Act - see M.C.L.A. Secs. 133.5, 133.6  
Collection of municipal income taxes - see M.C.L.A. Sec. 141.671  
Public money - see M.C.L.A. Secs. 750.489 et seq.

### **230.01 PURCHASES AND CONTRACTS.**

- (a) Purchasing Agent. The City Manager shall act as Purchasing Agent of the City in accordance with Section 40 of the City Charter. The City Manager shall establish detailed purchasing and contracting procedures. The City Manager may delegate the authority to issue purchase orders.
- (b) Competitive Bids. Competitive bids for all purchases and public improvements shall be obtained where practicable and contracts awarded to the lowest responsible bidders. The City Commission shall have the power to reject any or all bids if deemed by it to be to the advantage of the City. "Competitive bidding" means the process of soliciting vendor participation in the purchasing process to ensure fair and open competition.
- (c) Purchases or Contracts of \$9,000 or Less. The City Manager shall have the authority to contract, solicit, award or reject bids, and to expend money in conformity with the approved budget, which amount for any one transaction shall not be more than nine thousand dollars (\$9,000). A purchase order or a service order may be issued by the City Manager if there are sufficient funds available in the appropriation to which the purchase is chargeable. The City Manager may secure competitive quotations where practicable for the purchase of all items which, in his or her opinion, could be advantageously purchased through competition.
- (d) Purchases or Contracts Over Certain Dollar Amount. If the amount of the transaction is more than five thousand dollars (\$5,000), sealed competitive bidding shall be required, except in cases where it is determined by the City Manager that it is clearly to the City's advantage to contract without competitive bidding. If the amount of the transaction is more than nine thousand dollars (\$9,000), it shall be evidenced by written contract submitted to and approved by affirmative vote of five members of the City Commission.
- (e) Exceptions to Competitive Bidding. It is clearly to the City's advantage to not have competitive bidding and such bidding is not required in the following cases:

- (1) Pursuant to Section (d).
- (2) When the Commission determines by an affirmative vote of five members that:
  - i. The public interest will be best served by purchase from or jointly with another unit of government.
  - ii. An emergency exists such as where a purchase is made or service obtained under extraordinary circumstances to protect the immediate health, safety, or welfare of individuals, to protect public property against loss or damage, or to prevent or minimize serious disruption of services; or
  - iii. The public interest will be best served without obtaining bids, such as in the employment of professional services.

(Ord. 380. Passed 2-7-94. Ord.694. Passed 2-6-06. Ord. 772. Passed 10-15-07. Ord. 1035, Passed 7-5-16)

**230.02 ACCOUNTING SYSTEM.**

- (a) Method. The accounting system of the City shall be in accordance with accepted principles of governmental accounting. The system shall provide records showing, at all times, by funds, accounts and other pertinent classifications, the amounts appropriated, the estimated revenues, the actual revenues or receipts, the amounts available for expenditures, the total expenditures, the unliquidated obligations, the actual balances on hand and the unencumbered balances of appropriations. However, accounts for Municipal public utilities or other self-supporting enterprises shall be maintained in accordance with standard commercial accounting principles and practices to produce accurate information as to net gain or loss from operations. Budgetary accounts are not required.
- (b) City Treasurer's Duties. The accounting system shall be centralized in the office of the City Treasurer where accounts shall be kept for all agencies and activities and where records of all financial transactions relating to all funds of the City shall be maintained. The City Treasurer shall exercise budgetary control over all appropriations to ensure that no obligation is incurred in excess of the available balance of the appropriation applicable thereto and to ensure that a proper pre-audit is made of all proposed expenditures. (1976 Code Sec. 2.03)

**230.03 BUDGET CONTROL.**

- (a) Authorization of Appropriations. After receipt of the proposed annual budget from the City Manager, and after its review and adoption as outlined in Sections 75 to 80 of the City Charter, the City Commission shall authorize appropriations in separate amounts for personal services, for other operating expenses and for capital outlays for each department or major activity financed from revenue funds for which appropriations are made.
- (b) Transfer of Appropriations. The City Commission may transfer any unencumbered appropriation balance or any portion thereof from one appropriation account to another within the same fund. The balance of any appropriation which has not been encumbered at the end of the fiscal year shall revert to unappropriated surplus of the fund from which it was appropriated and shall be available for appropriation the following fiscal year.
- (c) Certification of Available Funds. No contract, purchase order or other commitment document involving an expenditure from appropriations shall be issued or entered into unless the City Treasurer first certifies that there is available to the credit of the appropriation concerned an unencumbered balance to meet the obligation. Before so

certifying, the City Treasurer shall encumber the proper appropriation with the amount of the contract, purchase order or other commitment document.

- (d) **Budget Stabilization Fund.** There is hereby established a Budget Stabilization Fund pursuant to Act 30 of the Public Acts of 1978, as amended (M.C.L.A. 141.441 et seq.; M.S.A. 5.3230(1) et seq.). Such Fund shall have the limitations and purposes as established by State law for each fiscal year beginning on July 1, 1981. Thereafter, the City Commission may appropriate to the Budget Stabilization Fund, by resolution adopted by a two-thirds vote of the members elected and serving thereon, all or part of any surplus in the General Fund resulting from an excess of revenue in comparison to expenses.

(1976 Code Sec. 2.04; Ord. 123. Passed 6-15-81.)

#### **230.04 PAYMENT PROCEDURES.**

- (a) **Pre-Audit of Expenditures.** The City Treasurer shall receive and examine all payrolls, vouchers, bills and other claims and demands against the City, and shall not issue payment therefor unless it is found by a diligent pre-audit that the claim is in proper form, correctly computed and duly approved; that it is justly and legally due and payable; that it is charged to the proper account; and that it is accompanied by certification of a responsible official of the department concerned that the goods or services listed therein have been actually received. If the City Treasurer finds a claim to be erroneous or otherwise invalid, payment shall not be authorized and an immediate report of the circumstances shall be made to the City Manager.
- (b) **Preparation of Vouchers.** Verified invoices shall be assembled in the office of the City Treasurer. Vouchers shall be prepared and recorded as expenditures against the account to which the same are properly chargeable.
- (c) **Register of Expenditures.** After recording approved claims as expenditures and preparing checks, the City Treasurer shall transmit to the City Clerk a register showing the payee, the amount and the fund to which the amount is to be charged.
- (d) **Review of Register.** The City Clerk shall review the register, may examine any vouchers and invoices and, upon approval, shall sign the checks.
- (e) **Signing Checks.** All moneys, except petty cash, shall be disbursed by check, which check shall be signed by the City Clerk and countersigned by the City Treasurer. However, payroll checks may be signed by the Deputy City Clerk.

(1976 Code Sec. 2.05)

#### **230.05 ASSESSMENT OF TAXES.**

Repealed

(Ord. 793. Passed 4-7-08)

#### **230.06 BONDS.**

In addition to special requirements for particular bonds, all bonds running to the City shall be corporate surety or cash bonds and shall be approved by the City Attorney and filed with the City Clerk.

(1976 Code Sec. 2.08)

# CHAPTER 232

## Special Assessments

232.01	City Commission authority.	232.05	Financing and payment.
232.02	Initiation of public improvements.	232.06	Attachment of lien.
232.03	Special assessment district procedures.	232.07	Collection of special assessments.
232.04	Procedure for assessing single parcels.	232.08	Standards for improvements.

### CROSS REFERENCES

- Special assessments - see Mich. Const. Art. 9, Sec. 6; CHTR. Ch. X; M.C.L.A. Secs. 104A.1 et seq., 211.741 et seq.
- Bonds for special assessments - see CHTR. Sec. 87
- Endorsement of roll - see CHTR. Sec. 95
- Continuation of assessments - see CHTR. Sec. 173
- Assessment of taxes - see ADM. 230.05

#### **232.01 CITY COMMISSION AUTHORITY**

The City Commission shall have the power to determine by resolution, with or without petition, that the whole or any part of the cost of any public improvement or abatement necessary to preserve the public health, safety, and welfare shall be defrayed by special assessment upon the property in special districts especially benefited but such determination shall not be made until the preliminary proceedings provided for in this Chapter shall have been completed. In all cases, public improvements and hazard abatement shall be made at the discretion of the City Commission. Advisory petitions for improvements may be submitted to the City Commission but they shall be advisory only and shall not be jurisdictional. (Ord. 819. Passed 1-5-09.)

#### **232.02 INITIATION OF PUBLIC IMPROVEMENTS.**

- (a) Filing of Petitions. The initiation of a public improvement, any part of the expense of which is to be assessed against one or more lots or parcels of real estate in proportion to the probable benefit to be derived there from, may be made by petition to the City Commission, signed by the owners of 50% or more of the owners of the property to be benefited by the improvement. To permit proper planning, designing and financing, petitions for capital improvement should be filed by April 1. If a petition is filed after April 1 and the City Engineer determines the costs will appreciably change, a new petition with the revised cost information shall be circulated before the petition may be considered. The City Commission may not be able to consider any such request or petition which is filed later than April 1 of each year.
- (b) Contents of Petitions. Petitions shall be presented on forms provided by the City Clerk and shall set forth the location, extent and character of the desired improvement, the portion of the total cost which is proposed to be assessed against the property to be benefited, and the number of annual installments in which the assessment is to be divided.
- (c) City Commission Initiation. Public improvements may be initiated by City Commission resolution.
  - (1) If written objections to a proposed improvement where the cost is proposed to be

defrayed in whole or in part by special assessment have been filed with the City Assessor by the owners of more than one –half of the parcels to be assessed at or before the public hearing provided for in Section 232.03, the City Commission shall not proceed with the improvement except by the affirmative vote of 6 members of the City Commission.

- (d) **Waiver of Notice of Hearing.** The owner of record of any lot or premises may, at any time, execute, in writing, a "Waiver of Notice and Proceedings", and may file the same with the City Clerk, waiving any or all notice of hearing and other proceedings required in this chapter and in the City Charter and authorizing the City Commission to make such special assessment as the City Commission may determine against the owner and his or her property without further notice. The City Commission may thereupon, by resolution, authorize the City Manager to proceed with the improvement. Any special assessment so made shall, upon confirmation of the assessment by the City Commission, be considered the same as any other special assessment formally made under the City Charter, notwithstanding the omission of any notice or proceeding so waived.

(Ord. 819. Passed 1-5-09. Ord. 847. Passed 10-19-09.)

### **232.03 SPECIAL ASSESSMENT DISTRICT PROCEDURES**

- (a) **Resolution on Public Improvement.** The City Commission may, by resolution determine to make an improvement and to defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived. By such resolution, the City Commission shall approve the preliminary plans for the improvement, determine the estimated cost thereof, determine what proportion of the cost of the improvement shall be paid by special assessment upon the property especially benefited and what proportion, if any, shall be a general obligation of the City, designate the special assessment district or land and premises upon which special assessments shall be levied and direct the City Assessor to prepare a special assessment roll in accordance with the City Commission's determination and to report the same to the City Commission for conformation. The City Commission may also direct the City Engineer to proceed with the preparation of final plans and specification for the improvement and may authorize the City Engineer to proceed with the advertising and taking of bids in accordance with City purchase requirements.
- (b) **Assessment of Engineering Costs.** In the event that an improvement for which a petition has been filed receive initiatory approval and hearing of necessity approval from the Commission but does not receive final construction approval, any cost incurred in the preparation of preliminary and final plans and specification may be assessed against the parcel of that would have benefited if the improvement had been made. Cost shall be assessed against the aforementioned parcels of land according to the provisions of this Chapter.
- (c) **Setting the Public Hearing.** Upon receipt of a special assessment roll, the Commission shall:
- (1) Order it filed in the office of the City Clerk for public examination,
  - (2) Fix the time and place when it will meet and review the roll and hear all persons interested in the necessity of the improvement,
  - (3) Direct the City Clerk to give notice of the hearing.
- (d) **Notice of Public Hearing.** The notice shall specify the time and place of the hearing and shall be published in the official newspaper of the City not less than 15 days prior to the date of the hearing. 15 days' notice shall also be sent by mail by the City Assessor to

## SPECIAL ASSESSMENTS

each owner of property subject to assessment, as indicated by the records of the City Assessor's office, but failure to send the notice to any owner of property shall not invalidate the proceedings or assessments. All notices shall state clearly the costs of the improvement are described in the roll and that they are either "estimated costs" or "final costs".

- (e) Objection to Roll. An owner of property to be assessed may file an objection to the improvement in writing with the City Clerk. No original assessment roll shall be confirmed except by the affirmative vote of six members of the City Commission if prior to the confirmation written objections to the proposed improvement have been filed by the owner of more than one-half of the property to be assessed.
- (f) Public Hearing and Approvals.
  - (1) The City Commission shall meet and review the project specifications and the special assessment roll at the time and place appointed and shall hear all persons interested in the necessity of the improvements and all oral or written objections to it.
  - (2) The City Commission may correct the roll as to any assessment or description of any lot or tax parcel, or other errors appearing in it. Any changes made in the roll shall be noted in the minutes.
  - (3) After the hearing and review, the Commission may confirm the special assessment roll with the corrections as it may have made, if any, or may refer it back to the City Manager for revision or may annul it and any proceedings in connection with it.
  - (4) Upon confirmation of any special assessment roll, the Commission shall determine the number of installments in which the assessments may be paid and shall determine the rate of interest to be charged on installments but not to exceed six percent per annum.
  - (5) The Clerk shall endorse the date of confirmation upon each special assessment roll. The roll shall, upon confirmation, be final and conclusive.

(Ord. 819. Passed 1-5-09.)

### **232.04                      PROCEDURE FOR ASSESSING SINGLE PARCELS.**

When any expense is incurred by the City upon or in respect to any single lot or tax parcel, which expense is chargeable against it and the owner of it under the provisions of the Charter, this Code, or law of the State of Michigan and is not of that class required to be pro-rated among several lots and tax parcels in a special assessment district the following procedure shall be followed:

- (a) Preparation of Account. An account of the labor, material or services for which the expense was incurred, verified by the City Manager, with a description of the lot or tax parcel and the name of the owner, if known, shall be reported to the City Treasurer who shall immediately bill the owner, if known.
- (b) Notification of Assessment. The bill shall be sent by first class mail to the owner of the lot or tax parcel to be assessed and the bill shall notify the owner of the time of the meeting of the Commission, not sooner than 30 days thereafter, when the Commission will meet for the purpose of adopting a resolution placing a special assessment upon the lot or tax parcel for the charges unless the charges are paid prior to the date of the meeting.
- (c) Resolution of Special Assessment. At the meeting the Commission shall adopt, a special assessment resolution covering each lot or tax parcel for which charges have not been paid in full. As many lots or tax parcels may be included in a single resolution as shall be

convenient. Upon adoption of the resolution, the Commission may authorize installment payments, and if installment payments are authorized, shall determine the number of installments and the rate of interest to be charged, but not to exceed six percent per annum.

- (d) Notice of Resolution. Within seven calendar days after the adoption of the resolution, the Clerk shall give notice of the lot or tax parcel owners. The notice shall be sent by first class mail to the last known addresses of the persons as shown on the assessment records of the city, or by publication. The notice shall state the basis of the assessment, the amount, and shall give a reasonable time, not less than 30 days, within which payment shall be made to the Treasurer.
- (e) Placement of Lien on Tax Roll. In all cases where payment is not made within the time set, the fact shall be reported by the Treasurer to the Assessor, who shall charge the amounts, together with a penalty as allowed by Charter, against the persons or lots or tax parcels chargeable, on the next tax roll. The special assessment resolution shall be treated as a special assessment roll and the adoption of the resolution shall correspond to the confirmation of a special assessment roll.
- (f) Other Provisions Not Applicable. The provisions of the preceding sections of this chapter with reference to special assessments generally and the proceedings necessary before making the improvements, shall not apply to assessments contemplated under this section.

(Ord. 819. Passed 1-5-09. Ord. 990. Passed 4-17-14)

**232.05 FINANCING AND PAYMENT.**

- (a) Payment in Full. A property owner may pay the full assessment on all special assessment projects in cash and save the interest charges.
- (b) Payment in Full upon Transfer. Special assessment are payable in full upon transfer of title to the property and upon any land division or boundary adjustment.
- (c) Installment Payments. Installments, plus interest not to exceed 6% may be made on any unpaid balance, except as otherwise provided by law. The property owner may make full payment of the balance at any time during the assessment period, plus interest due on the date of such payment.
- (d) Installment Periods. The Installment period for improvements shall be as follows:
  - (1) Water Mains. Not to exceed 10 years.
  - (2) Sanitary Sewers. Not to exceed 10 years
  - (3) Storm Sewers. Not to exceed 10 years.
  - (4) Curb and Gutter. Not to exceed 20 years.
  - (5) Street. Not to exceed 20 years.
  - (6) Alley. Not to exceed 10 years.
  - (7) Sidewalks. Not to exceed 20 years.

(Ord. 819. Passed 1-5-09.)

**232.06 ATTACHMENT OF LIEN**

All special assessments contained in any special roll, including any part thereof deferred as to payment, shall, from the date of confirmation of such roll, constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the lots and parcels of land. Such line shall be of the same character and effect as the lien created for City taxes and shall include accrued interest and penalties. No judgment or decree, nor any act of the City Commission vacation a special assessment, shall destroy or impair the lien of the

## SPECIAL ASSESSMENTS

City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might be lawfully assessed thereon.  
(Ord. 819. Passed 1-5-09.)

### **232.07 COLLECTION OF SPECIAL ASSEMENTS**

- (a) Installments. The special assessment roll shall be transmitted by the Clerk to the Treasurer for collection, immediately after its confirmation. The Treasurer shall divide the assessments into installments, when so ordered by the Commission; provided that, if such division operates to make any installment less than \$10.00, then the Treasurer shall reduce the number of installments so that each installment shall be above and as near \$10.00 as possible.
- (b) Delinquent Assessments. The Treasurer shall be charged with collecting all special assessments. After an assessment or any installment becomes delinquent, the Treasurer may add the entire assessment, with any interest, collection fee or penalty, to the annual tax bill of the City attributable to the lot or premises involved, or may collect it separately by the tax sale procedure.
- (c) Additional Remedies. In addition to any other remedies and without impairing the lien therefore, any delinquent special assessment in its entire amount, together with interest, collection fees and penalties, may be collected in an action at law in the name of the City against the person assessed or liable for the same, in any court having jurisdiction thereof.

(Ord. 819. Passed 1-5-09.)

### **232.08 STANDARDS FOR IMPROVEMENTS.**

The Standards and Specifications for improvements made according to this Chapter shall be established by written policy of the City Engineer.

(Ord. 819. Passed 1-5-09.)

# CHAPTER 240

## City Manager

240.01 Supervising agency for Urban Redevelopment Corporation.

### CROSS REFERENCES

City Manager - see CHTR. Secs. 35 et seq.

Power to conduct investigations - see CHTR. Sec. 41

Administration of Municipally-owned utilities - see CHTR. Sec. 119

Changing salary or emoluments during term of office - see MCLA Sec. 117.5

Authority re trees and shrubs - see S.U. & P.S. 1028.02

### **240.01 SUPERVISING AGENCY FOR URBAN REDEVELOPMENT CORPORATION.**

The City Commission of the City of Traverse City hereby appoints, establishes and designates the City Manager as the person to exercise the powers and perform the duties held by or incumbent upon the supervising agency pursuant to the Urban Redevelopment Corporation Law, being Act 250 of the Public Acts of 1941, as amended (M.C.L.A. 125.901, et seq; M.S.A. 5.3058(1), et seq.). (Ord. 319. Passed 12-2-91.)

# **CHAPTER 242**

## **City Attorney**

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

### **CROSS REFERENCES**

City Attorney - see CHTR. Sec. 47

Attorney for Light and Power Board and Department – see CHTR. Sec. 178(c)

Legal advisor - see M.C.L.A. Sec. 87.20

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

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

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

# **CHAPTER 244**

## **City Clerk**

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

### CROSS REFERENCES

City Clerk - see CHTR. Sec. 44

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

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

Apportionment of wards; copy of apportionment plan – see M.C.L.A. Sec. 117.27a

## **CHAPTER 246**

### **City Treasurer**

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

#### CROSS REFERENCES

Finance generally - see Mich. Const. Art. 9, Secs. 1 et seq.; ADM. Ch. 230  
City Treasurer - see CHTR. Sec. 45  
Collection of taxes by City Treasurer - see CHTR. Secs. 97 et seq.  
Collection of municipal income taxes - see CHTR. Secs. 97 et seq.; M.C.L.A. Sec. 141.671  
Tax Assessors in home rule cities - see M.C.L.A. Sec. 117.3  
Distribution of fine moneys - see M.C.L.A. Sec. 117.31  
Deposit of public funds - see M.C.L.A. Secs. 129.11 et seq.  
Municipal Finance Act - see M.C.L.A. Secs. 133.5, 133.6  
Public money - see M.C.L.A. Secs. 750.489 et seq.  
Duties re accounting system - see ADM. 232.02(b)  
Duties re Parking Violations Bureau - see TRAF. 488.01,488.02

## **CHAPTER 248**

### **City Assessor**

EDITOR'S NOTE: There are no sections in Chapter 248. This chapter has been established to provide a place for cross references and any future legislation.

#### **CROSS REFERENCES**

Finance generally - see Mich. Const., Art. 9, Secs. 1et seq.; ADM. Ch. 230

City Assessor - see CHTR. Sec. 46

Certification of tax levy to City Assessor - see CHTR. Sec. 96

Special assessments - see CHTR. Ch. X; ADM. Ch. 232

Tax Assessors in home rule cities - see M.C.L.A. Sec. 117.3

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

Municipal bonds - see M.C.L.A. Secs. 132.2, 133.6, 135.7

Municipal Finance Act - see M.C.L.A. Secs. 133.5, 133.6

Public money - see M.C.L.A. Secs. 750.489

## **CHAPTER 250**

### **City Engineer**

EDITOR'S NOTE: There are no sections in Chapter 250. This chapter has been established to provide a place for cross references and any future legislation.

#### CROSS REFERENCES

City Engineer - see CHTR. Sec. 48

Special assessments for public improvements - see CHTR. Ch. X; ADM. Ch. 232

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

Engineering Department - see ADM. Ch. 264

Streets - see S.U. & P.S. Ch. 1020

Sidewalks - see S.U. & P.S. Ch. 1022

Sewers - see S.U. & P.S. Ch. 1042

Water - see S.U. & P.S. Ch. 1044

Improvement guarantees - see P. & Z. 1252.02

## **CHAPTER 252**

### **Police Department**

252.01 Disposition of recovered property.

#### CROSS REFERENCES

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

Arrests - see M.C.L.A. Sec. 117.34

Jurisdiction outside City limits - see M.C.L.A. Sec. 117.34

Removal of abandoned vehicles by Police Department - see TRAF. 410.03(UTC 2.5d)

Inspection of taxicabs by Police Department – see B.R. & T. 866.03

Duties re emergency excavations - see S.U. & P.S. 1024.03

Police Chief as Harbor Master - see S.U. & P.S. 1062.03

#### **252.01 DISPOSITION OF RECOVERED PROPERTY.**

- (a) Application of Section. This section shall apply to money or other property recovered by or delivered to the Police Department, which money or property is not claimed within six months after such recovery or delivery.
- (b) Deposit of Money; Public Sales. At any time after the expiration of such six months, the Chief of Police may turn any such money over to the City Treasurer to be credited to the General Fund and may sell at a public sale any other property so recovered or delivered and held, according to the procedure set forth in this section, after giving the notice provided for in subsection (c) hereof. However, the procedure shall not be initiated and such notice shall not be given until such six months have elapsed.
- (c) Notices. The Chief of Police shall publish notice one time in a newspaper of general circulation in the city, village or township in which the money or property was recovered by or delivered to the Police Department. Such notice shall describe the money or other property so recovered or delivered and held, together with the time and place of a public sale at which such property may be purchased by the highest bidder. Until the time of such sale, the money or other property may be claimed at the Department. If, prior to the sale, the Chief of Police comes to know or has reason to suspect the identity of the true owner of such money or other property, then he or she shall forthwith, and prior to the sale, contact, or direct an officer or employee of the Department to contact, such owner, and shall give such owner the opportunity to claim such money or other property.
- (d) Receipts from Sale. After the holding of any such sale, the money received from such sale, after deducting the cost of conducting such sale, and any other money recovered or delivered and held included in the notice provided for in subsection (c) hereof, shall be turned over to the City Treasurer to be credited to the General Fund of the City.
- (e) Validity of Claims After Notice and Sale. No claim, to obtain any money or other property recovered by or delivered to the Police Department, after notice and sale as provided in subsections (b) and (c) hereof, shall be valid. Such property and money shall be considered as abandoned and belonging to the City.

(1976 Code Sec. 2.15)

## **CHAPTER 254**

### **Fire Department**

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

#### CROSS REFERENCES

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

Borrowing money for fire protection - see M.C.L.A. Sec. 117.4a

Fire stations - see M.C.L.A. Sec. 117.4e

Fire hydrants - see S.U. & P.S. 1044.12; F.P. 1610.05(d)

Fires in parks - see S.U. & P.S. 1064.07

Approval of R-6 District plans - see P. & Z. 1270.05

Fire safety in rental dwellings - see B. & H. 1482.14

Fire Prevention - see F.P. Ch. 1610

## **CHAPTER 256**

### **Department of Public Services**

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

#### **CROSS REFERENCES**

Administrative departments - see CHTR. Sec. 39

Investigation of departments - see CHTR. Sec. 41

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

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

Garbage and rubbish collection and disposal - see S.U. & P.S. Ch. 1060

## **CHAPTER 258**

### **Department of Public Utilities**

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

#### **CROSS REFERENCES**

Administrative departments - see CHTR. Sec. 39  
Investigation of departments - see CHTR. Sec. 41  
Utilities generally - see CHTR. Ch. XI; S.U. & P.S. Ch. 1040  
Municipally owned utilities - see CHTR. Ch. XII  
Shutting off of utility service - see ADM. 266.01(b)  
Utilities in subdivisions - see P. & Z. 1248.05, 1248.06, 1248.08, 1248.12  
Utilities in R-6 High-Rise Apartment Districts – see P. & Z. 1270.05  
Zoning requirements - see P. & Z. 1299.02  
Utility equipment in floodways - see B. & H. 1458.08  
Aerial wires - see F.P. 1610.13

## **CHAPTER 260**

# **Light and Power Department**

EDITOR'S NOTE: There are no sections in Chapter 260. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Electricity generally - see Mich. Const. Art. 7, Secs. 24, 25; M.C.L.A. Secs. 486.201 et seq.; S.U. & P.S. Ch. 1046

Utilities generally - see CHTR. Ch. XI; S.U. & P.S. Ch. 1040

Municipally owned utilities - see CHTR. Ch. XII

Light and Power Department - see CHTR. Secs. 175 et seq.

Light and Power Board - see CHTR. Secs. 176 et seq.; ADM. Ch. 292

Gas plants and systems in home rule cities - see M.C.L.A. Secs. 117.4e, 117.4f

Oil and gas generally - see M.C.L.A. Secs. 319.1 et seq., 486.251 et seq.

Special assessments for street lighting - see ADM. 232.09

Electrical connections - see B. & H. 1480.01

## **CHAPTER 262**

# **Planning Department**

EDITOR'S NOTE: There are no sections in Chapter 262. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Administrative departments - see CHTR. Sec. 39

Investigation of departments - see CHTR. Sec. 41

Planning Commission - see CHTR. Sec. 160; P. & Z. Ch. 1220

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

Community planners - see M.C.L.A. Secs. 339.2301 et seq.

Duties of Planning and Zoning Administrator re flood plain management - see B. & H. 1458.04

# CHAPTER 264

## Engineering Department

EDITOR'S NOTE: There are no sections in Chapter 264. This chapter has been established to provide a place for cross references and any future legislation.

### CROSS REFERENCES

Administrative departments - see CHTR. Sec. 39

Investigation of departments - see CHTR. Sec. 41

City Engineer - see CHTR. Sec. 48; ADM. Ch. 250

Special assessments for public improvements - see CHTR. Ch. X; ADM. Ch. 232

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

Streets - see S.U. & P.S. Ch. 1020

Sidewalks - see S.U. & P.S. Ch. 1022

Sewers - see S.U. & P.S. Ch. 1042

Water - see S.U. & P.S. Ch. 1044

Improvement guarantees -see P. & Z. 1252.0

# CHAPTER 266

## Employees Generally

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

266.01 Right of entry.

266.02 Municipal retirement system.

### CROSS REFERENCES

Qualifications of elective officers - see CHTR. Sec. 14

Appointment of administrative officers and employees - see CHTR. Sec. 38

Investigations - see CHTR. Sec. 41

Delivery of property of office to successor - see CHTR. Sec. 50

Restrictions on official positions - see CHTR. Sec. 152

Conflicts of interest - see CHTR. Sec. 154

Civil service - see CHTR. Sec. 155

Hold-over officers and employees - see CHTR. Sec. 170

Municipal Employees' Retirement Act of 1984 - see M.C.L.A. Secs. 38.1501a et seq.

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

Local Officers Compensation Commission - see ADM. Ch. 276

### **266.01 RIGHT OF ENTRY.**

c) Generally. For purposes of enforcement of these Codified Ordinances, the City Manager, the Fire Chief, the Police Chief, the Building Code officials and the City Assessor, or their authorized representatives, may enter any premises for the purpose of inspection at any and all reasonable times. No person shall deny any such official entrance to the premises for inspection purposes.

d) Shutting Off Utility Service. The officials named in subsection (a) hereof may shut off and discontinue the service provided to any structure by any utility company when, in the opinion of any of them, the continuance of service will endanger the public peace, health or safety. (1976 Code Sec. 2.10)

### **266.02 MUNICIPAL RETIREMENT SYSTEM.**

(a) All eligible Municipal employees of the City shall come under the provisions of the retirement plans provided in the Municipal Employees Retirement Act of 1984, Act 427 of the Public Acts of 1984, as amended (M.C.L.A. 38.1501 et seq.).

(b) The City Manager shall make all wage and salary deductions on behalf of the employees of the City required by law and shall pay the same to the Retirement Board established by the Act, together

# **CHAPTER 270**

## **Civil Service Commission**

EDITOR'S NOTE: There are no sections in Chapter 270. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Civil service - see CHTR. Sec. 155

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

Civil service in home rule cities - see M.C.L.A. Sec. 117.4i

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

Employees generally - see ADM. Ch. 266

# **CHAPTER 272**

## **Historic Districts Commission**

EDITOR'S NOTE: There are no sections in Chapter 272. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Power to establish - see M.C.L.A. Sec. 399.204

Powers and duties - see M.C.L.A. Secs. 399.205 et seq.

Con Foster Museum Historical Commission - see ADM. 273

Historic areas - see B. & H. Ch. 1462

# CHAPTER 274

## Housing Commission

274.01      Establishment.                      274.03      Powers.  
274.02      Appointments.

### CROSS REFERENCES

Adoption of Housing Codes by reference - see CHTR. Sec. 33  
Municipal housing commissions - see M.C.L.A. Secs.125.653 et seq.  
Adoption, promulgation and publication of rules – see M.C.L.A. Sec. 125.694b  
Acquisition and maintenance of housing projects – see M.C.L.A. Secs. 125.731 et seq.  
Rental housing - see B. & H. Ch. 1482  
State Housing Law - see B. & H. Ch. 1484

### **274.01                      ESTABLISHMENT.**

Pursuant to Act 18 of the Extra Session of 1933, as amended (M.C.L.A. 125.651 et seq.), there is hereby established in and for the City a Housing Commission.  
(1976 Code Sec. 2.141)

### **274.02                      APPOINTMENTS.**

The Mayor, with the approval of the City Commission, shall appoint the members of the Housing Commission.  
(1976 Code Sec. 2.142; Ord. 194. Passed 3-3-86.)

### **274.03                      POWERS**

The Commission shall be a public body corporate. Except as otherwise provided in this Chapter, the Commission shall have all the powers and duties vested or permitted to be vested in the Commission by Act 18 of the Public Acts of 1933, executive session, as amended, and any laws enacted which are supplemented thereto. All deeds, mortgages, contracts, leases, purchases, or other agreements regarding real property, including agreements to acquire or dispose of all real property, shall be approved and executed in the name of the Traverse City Housing Commission.

The Commission shall also, but not limited to, have the following powers:

- (A) Sue and be sued in any court of this state.
- (B) Form or incorporate nonprofit corporations under the laws of the state for any purpose consistent with the purposes of which the Commission was formed.
- (C) Serve as a shareholder or member of a qualified nonprofit corporation organized under the law of this state.
- (D) Authorize, approve, execute and file with the Michigan Department of Commerce those documents that are appropriate for form and continue one or more nonprofit corporations.
- (E) Form or incorporate for profit corporations, partnerships and companies under the laws of this state for any purpose consistent with the purposes for which the Commission was formed.
- (F) Act as a borrower for purposes of issuing bonds or notes under Public Act No. 18 of the Extra Session of 1933, as heretofore or hereafter amended.

(Ord.745. Passed 5-21-07.)

# CHAPTER 276

## Local Officers Compensation Commission

- |  |  |
|--|--|
| 276.01 Establishment; appointments; of office; qualifications. | 276.03 Meetings; quorum; organization; terms compensation. |
| 276.02 Determination of compensation.                          | 276.04 Amendments.   |
|  | 276.05 Referendum.   |

### CROSS REFERENCES

- Compensation of library employees - see CHTR. Sec. 138  
Civil service - see CHTR. Sec. 155  
Compensation and salaries in home rule cities - see M.C.L.A. Secs. 117.3, 117.5, 117.17, 117.19, 117.20, 117.28, 117.32, 117.33  
Employees generally - see ADM. Ch. 266

#### **276.04) ESTABLISHMENT; APPOINTMENTS; TERMS OF OFFICE; QUALIFICATIONS.**

There is hereby established in and for the City a Local Officers Compensation Commission. The Commission shall determine the salaries of all local elected officials. The Commission shall consist of five members who are registered electors of the City, appointed by the Mayor, subject to the confirmation by the City Commission. The term of office shall be five years, except that of the members first appointed, one each shall be appointed for terms of one, two, three, four and five years. All first members shall be appointed within thirty days after the effective date of this chapter (Ordinance 93, passed April 16, 1979). Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the legislative, judicial or executive branch of any level of government, and no member of the immediate family of such member or employee, shall be eligible to be a member of the Local Officer's Compensation Commission. (Ord. 93. Passed 4-16-79.)

#### **276.05) DETERMINATION OF COMPENSATION.**

The Local Officers Compensation Commission shall determine the salaries of local elected officials, which determination shall be the salaries, unless the City Commission, by resolution adopted by a two-thirds vote, rejects it. The determination of the Local Officers Compensation Commission shall be effective thirty days following its filing with the City Clerk, unless rejected by the City Commission. In case of rejection, the existing salaries shall prevail. Any expense, allowance or reimbursement paid to elected officials, in addition to salary, shall be for expenses incurred in the course of City business and shall be accounted for to the City. The Local Officers Compensation Commission shall also make a recommendation regarding the compensation of local appointed officials who hold positions on boards, commissions and committees under the jurisdiction of the City Commission and who are not full-time or part-time employees of the City. (Ord. 93. Passed 4-16-79.)

#### **276.06) MEETINGS; QUORUM; ORGANIZATION; COMPENSATION.**

The Local Officers Compensation Commission shall meet for not more than fifteen session days in every odd-numbered year and shall make its determination within forty-five calendar days of its first meeting. A majority of the members of the Commission constitutes a quorum for conducting the business of the Commission. The Commission shall take no action and shall

## LOCAL OFFICERS COMPENSATION COMMISSION

make no determination without a concurrence of a majority of the members appointed and serving on the Commission. The Commission shall elect a Chairperson from among its members. "Session day," as used in this section, means any calendar day on which the Commission meets and a quorum is present. The members of the Commission shall receive no compensation, but shall be entitled to actual and necessary expenses incurred in the performance of their duties. (Ord. 93. Passed 4-16-79.)

### **276.07) AMENDMENTS.**

The City Commission shall implement this chapter by resolution. After one year following the date this chapter goes into effect (Ordinance 93, passed April 16, 1979), the procedure for establishing the compensation of elected officials may be changed by Charter amendment or revision.  
(Ord. 93. Passed 4-16-79.)

### **276.08) REFERENDUM.**

Within sixty days after the effective date of this chapter (Ordinance 93, passed April 16, 1979), a petition for referendum on this chapter may be filed in accordance with the procedure provided in the City Charter, or otherwise, by filing a petition with the City Clerk, containing the signatures of at least five percent of the registered electors of the City on such effective date. In such case, the election shall be conducted in the same manner as an election on a Charter amendment. If a petition for referendum is filed, no determination of the Local Officers Compensation Commission shall be effective until this chapter has been approved by the electors.  
(Ord. 93. Passed 4-16-79.)

# CHAPTER 277

## Parks and Recreation Commission

- |  |                     |
|--|---------------------|
| 277.01 Establishment.  | 277.03 Vacancies.   |
| 277.02 Composition; terms of office; compensation; expenses. | 277.04 Organization |
|  | 277.05 Duties       |

### CROSS REFERENCES

- Parks generally - see Mich. Const. Art. 7, Sec. 23; S.U. & P.S. Ch. 1064  
Authority of City re parks - see CHTR. Ch. XIII  
Parks and recreation facilities in home rule cities - see M.C.L.A. Secs. 117.4e, 117.5  
Sale of park property - see M.C.L.A. Sec. 117.5  
Misapplication of park funds - see M.C.L.A. Sec. 123.67  
Harbor and waterfront - see S.U. & P.S. Ch. 1062

#### **277.01 ESTABLISHMENT.**

There is hereby established a Parks and Recreation Commission pursuant to Section 30 of the City Charter and upon recommendation of the City Manager.  
(Ord. 332. Passed 7-6-92.)

#### **277.02 COMPOSITION; TERMS OF OFFICE; COMPENSATION; EXPENSES.**

Parks and Recreation Commission shall consist of seven members who shall be registered electors of the City and who shall have evidenced interest in the advancement of public parks, recreation and cemetery services. One member shall be the City Manager or his or her designee ex officio with voting authority; such member may be a non-registered city elector. Other members shall be appointed by the City Commission to terms of three years, except that the initial appointments shall be two members for one-year terms, two members for two-year terms and two members for three-year terms. Members shall be eligible for reappointment. Members shall serve without compensation, but may be reimbursed for actual expenses incurred in Commission activities.

(Ord. 332. Passed 7-6-92. Ord. 840. Passed 7-20-09.)

#### **277.03 VACANCIES.**

In the event of a vacancy on the Parks and Recreation Commission, the City Commission shall appoint a replacement to serve the remainder of the unexpired term.

(Ord. 332. Passed 7-6-92. Ord. 840. Passed 7-20-09.)

#### **277.04 ORGANIZATION.**

- a) The Parks and Recreation Commission shall schedule regular meetings to be held at least once each month and at other times as necessary. All meetings shall be open to the public.
- b) At the first regularly scheduled meeting, the Parks and Recreation Commission shall develop by-laws governing the operations of such Commission.
- c) At the first regularly scheduled meeting, a Chairperson and a Vice-Chairperson shall be elected to a term of one year. City staff shall be the Recording Secretary of the Commission. Officers thereafter shall be elected to one-year terms upon the expiration of

the terms of the previously elected officers.

- d) Four members shall be considered a quorum for the transaction of business of the Commission.

(Ord. 332. Passed 7-6-92. Ord. 840. Passed 7-20-09.)

**277.05 DUTIES.**

- a) It shall be the duty of the Parks and Recreation Commission to serve in an advisory capacity and to make recommendations to the City Commission on matters relating to the operation, development and planning of parks (excluding Con Foster Museum and the Clinch Park Marina) and recreation and cemetery services, facilities and programs.
- b) Annually, the Parks and Recreation Commission shall submit, to the City Commission and Planning Commission, a report of the year's activities.
- c) The Parks and Recreation Commission shall submit to the City Manager a proposed budget for funds necessary for the capital improvements and general operation of parks and recreation and cemetery systems through the normal budget process.
- d) The Parks and Recreation Commission shall prepare a six-year capital improvements plan to be submitted not later than January 30 of each year to the City Manager, which is to be submitted as a part of the City's six-year capital improvements plan for review by the City Planning Commission.
- e) The Parks and Recreation Commission may solicit and recommend that the City receive any gifts, bequests of money, grants or other real or personal property to be applied for parks, recreation or cemetery purposes. The use and disposal of any gifts, bequests of money, grants or other real or personal property received for such purposes, shall be subject to the approval of the City Commission.
- f) The Parks and Recreation Commission shall have such other duties as designated by the City Commission.

(Ord. 332. Passed 7-6-92. Ord. 840. Passed 7-20-09.)

# **CHAPTER 278**

## **Planning Commission**

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

# CHAPTER 279

## Traverse City Coast Guard City Committee

279.01	Establishment	279.04	Organization
279.02	Composition; Terms of Office; Compensation; Expenses	279.05	Duties
279.03	Vacancies		

### **279.01 ESTABLISHMENT.**

In recognition of the fact that Traverse City became a Coast Guard City in 2010, and to foster this special historical relationship, there is hereby established a Traverse City Coast Guard City Committee pursuant to Section 30 of the City Charter and upon recommendation of the City Manager.

(Ord. 921, Passed 8/15/11, Ord. 1034, Passed 6/20/2016)

### **279.02 COMPOSITION; TERMS OF OFFICE; COMPENSATION; EXPENSES.**

The Traverse City Coast Guard City Committee shall consist of eight members who may be non-registered electors of the City and who shall have evidenced interest in the advancement of the United States Coast Guard. One member shall be the City Manager or his or her designee ex officio with voting authority, and one member shall be the Commander serving at Coast Guard Air Station Traverse City or his or her designee ex officio with no voting authority. Other members shall be appointed by the City Commission to terms of three years, except that the initial appointments shall be two members for one-year terms, two members for two-year terms and four members for three-year terms. Members shall be eligible for reappointment. Members shall serve without compensation, but may be reimbursed for actual expenses incurred in Committee activities.

(Ord. 921, Passed 8/15/11; Ord. 925, Passed 10/17/11; Ord. 931, Passed 2/6/12, Ord. 1034, Passed 6/20/2016)

### **279.03 VACANCIES.**

In the event of a vacancy on the Traverse City Coast Guard City Committee, the City Commission shall appoint a replacement to serve the remainder of the unexpired term.

(Ord. 921, Passed 8/15/11, Ord. 1034, Passed 6/20/2016)

### **279.04 ORGANIZATION.**

- (a) The Traverse City Coast Guard City Committee shall schedule regular meetings to be held at least quarterly and at other times as necessary. All meetings shall be open to the public.
- (b) At the first regularly scheduled meeting, the Traverse City Coast Guard City Committee shall develop by-laws governing the operations of such Committee.
- (c) At the first regularly scheduled meeting, a Chairperson and a Vice-Chairperson shall be elected to a term of one year. City staff shall be the Recording Secretary of the Committee. Officers thereafter shall be elected to one-year terms upon the expiration of the terms of the previously elected officers.
- (d) Four members shall be considered a quorum for the transaction of business of the Committee.
- (e) Four Affirmative Votes to take action.

(Ord. 921, Passed 8/15/11; Ord. 932, Passed 2/6/12, Ord. 1034, Passed 6/20/2016)

**279.05 DUTIES.**

- (a) It shall be the duty of the Traverse City Coast Guard City Committee to serve in an advisory capacity and to make recommendations to the City Commission on matters relating to the operation, development and planning of the United States Coast Guard services, facilities and programs within the city of Traverse City.
- (b) Annually, the Traverse City Coast Guard City Committee shall submit, to the City Commission, a report of the year's activities.
- (c) The Traverse City Coast Guard City Committee shall submit to the City Manager a proposed budget for funds necessary for the capital improvements and general operation of the United States Coast Guard Committee systems through the normal budget process.
- (d) The Traverse City Coast Guard City Committee may solicit and recommend that the City receive any gifts, bequests of money, grants or other real or personal property to be applied for the Traverse City Coast Guard City Committee's purposes. The use and disposal of any gifts, bequests of money, grants or other real or personal property received for such purposes, shall be subject to the approval of the City Commission.
- (f) The Traverse City Coast Guard City Committee shall have such other duties as may be designated by the City Commission.

(Ord. 921, Passed 8/15/11, Ord. 1034, Passed 6/20/2016)

# **CHAPTER 280**

## **Election Commission**

280.01 Creation.	280.04	Terms.
280.02 Appointments.	280.05	Quorum and Voting.
280.03 Chairperson and Secretary.	280.06	Meetings.

### **CROSS REFERENCES**

Election generally - see CHTR. Ch. II; ADM. Ch. 206

Election Commission - see CHTR. Sec. 7

Recall; initiative; referendum - see CHTR. Ch. XV

Adoption of Charter - see CHTR. Secs. 166 et seq.

Boards of election commissioners - see MCLA. Secs. 168.21 et seq.

Compensation of boards of election commissioners - see MCLA Secs. 168.28, 168.682

#### **280.01 CREATION.**

The Traverse City Charter, Section 7, creates the City Election Commission consisting of the City Clerk and three registered voters of the City. The Election Commission shall be non-partisan.

#### **280.02 APPOINTMENTS.**

The City Commission shall appoint the three registered voter members of the Election Commission. In order to be eligible for appointment, these persons shall not be in default to the city, meaning that they do not owe any delinquent bill or back taxes to the City. No member shall be appointed or continue to sit on the Election Commission if they or any member of their immediate family are a candidate to be voted on at the upcoming election. Upon discovering such candidacy, an Election Commissioner shall immediately notify the City Clerk. (Ord. 520. Passed 2-5-01.)

#### **280.03 CHAIRPERSON AND SECRETARY.**

The City Clerk shall be the Chairperson and Secretary of the Election Commission.

#### **280.04 TERMS.**

The City Clerk shall be a member ex officio with full voting authority. The other members of the Election Commission shall serve for three-year terms expiring on the second Monday in December. The first appointments shall be staggered for approximately one, two and three years.

#### **280.05 QUORUM AND VOTING.**

Three members of the Election Commission shall constitute a quorum. Action may be taken by a majority of those qualified members present at a meeting. No action shall be taken at a meeting at which the City Clerk is not present.

#### **280.06 MEETINGS.**

Meetings of the Election Commission shall be as called by the City Clerk. (Ord. 469. Passed 12-7-98.)

# **CHAPTER 282**

## **Act 345 Retirement Board**

EDITOR'S NOTE: There are no sections in Chapter 282. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Municipal Employees' Retirement Act of 1984 - see M.C.L.A. Secs. 38.1501 et seq.

Municipal Retirement System - see ADM. 266.02

# **CHAPTER 284**

## **Board of Library Trustees**

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

### **CROSS REFERENCES**

Libraries generally - see Mich. Const. Art. 8, Sec. 9; M.C.L.A. Secs. 397.11 et seq., 450.691 et seq.

Library taxes - see CHTR. Sec. 101

Public libraries - see CHTR. Ch. XIV

Board of Library Trustees - see CHTR. Secs. 133 et seq.

City library reports - see M.C.L.A. Sec. 397.207

Contracts for joint municipal libraries - see M.C.L.A. Secs. 397.213 et seq.

# CHAPTER 286

## Board of Review

### CROSS REFERENCES

Board of Review - see CHTR. Sec. 43

Taxation - see CHTR. Ch. IX

Meetings of Board of Review - see CHTR. Secs. 93, 94

Special assessments - see CHTR. Ch. X; ADMIN, Ch. 232

#### **286.01 CREATION.**

The Traverse City Charter, Section 43, creates the Board of Review consisting of five citizens who are owners of property assessed for taxes in the City, who shall hold office at the pleasure of the City Commission.

#### **286.02 APPOINTMENTS; TERMS.**

- a. The City Commission shall appoint five (5) citizens who are owners of property assessed for taxes in the City to the Board of Review. Beginning January 1, 2001, one member shall be appointed to a term of one year expiring December 31, 2001, two members shall be appointed to terms of two years expiring December 31, 2002, and two members shall be appointed to terms of three years expiring December 31, 2003. Thereafter, all members shall be appointed to a term of three (3) years.
- b. The members of the Board of Review shall be appointed on the basis of their knowledge and experience in property valuation and taxation.

#### **286.03 COMPENSATION.**

The Traverse City Charter, Section 43, states that the City Commission shall fix the compensation of the members of the Board of Review and that the Board of Review shall elect its own clerk who may, at the pleasure of the Board, be the City Assessor.

#### **286.04 MEETINGS.**

The Traverse City Charter, Sections 93 and 94, create the procedures for meetings of the Board of Review.

(Ord. 507. Passed 8-21-00.)

# **CHAPTER 288**

## **Board of Zoning Appeals**

EDITOR'S NOTE: Provisions relating to the Board of Zoning Appeals are codified in Chapter 1325 of Part Thirteen - the Planning and Zoning Code.

# **CHAPTER 290**

## **Construction Board of Appeals**

EDITOR'S NOTE: Provisions relating to the Construction Board of Appeals are codified in Chapter 1442 of Part Fourteen - the Building and Housing Code.

# **CHAPTER 292**

## **Light and Power Board**

292.03 Public Wharves

### **CROSS REFERENCES**

Electricity generally - see Mich. Const. Art. 7, Secs. 24, 25; M.C.L.A. Secs. 486.201 et seq.; S.U. & P.S. Ch. 1046

Utilities generally - see CHTR. Ch. XI; S.U. & P.S. Ch. 1040

Municipally owned utilities - see CHTR. Ch. XII

Light and Power Department - see CHTR. Secs. 175 et seq.; ADM. Ch. 260

Light and Power Board - see CHTR. Secs. 176 et seq.

Gas plants and systems in home rule cities - see M.C.L.A. Secs. 117.4e, 117.4f

Oil and gas generally - see M.C.L.A. Secs. 319.1 et seq., 486.251 et seq.

Special assessments for street lighting - see ADM. 232.09

Electrical connections - see B. & H. 1480.01

### **292.03 PUBLIC WHARVES.**

The Traverse City Light & Power Department of the City is hereby authorized to engage in public wharves, landings, yacht basins, harbors, docks, wharves, and terminal facilities. All powers and duties possessed by the Traverse City Light & Power Department and the Traverse

City Light & Power Board pursuant to Chapter XVIII of the City Charter are hereby made applicable to these activities. The Traverse City Light & Power Board shall have general management over any public improvements which it now owns, acquires, or constructs in relation to those activities and shall be the governing body for all purposes including those described in the Revenue Bond Act of 1933. However, bonds for any such improvements or activities may not be authorized without the approval of the City Commission in accordance with Traverse City Charter Section 179(k).  
(Ord. 689. Passed 10-03-05.)

# **CHAPTER 294**

## **Rental Housing Board of Appeals**

EDITOR'S NOTE: Provisions relating to the Rental Housing Board of Appeals are codified in Chapter 1482 of Part Fourteen - the Building and Housing Code.

# **CHAPTER 296**

## **Building Authority**

EDITOR'S NOTE: There are no sections in Chapter 296. This chapter has been established to provide a place for cross references and any future legislation.

### **CROSS REFERENCES**

Adoption of building codes by reference - see CHTR. Sec. 33

Building codes in home rule cities - see M.C.L.A. Sec. 117.3

Management and control of municipal buildings and grounds - see M.C.L.A. Sec. 117.4j

State Construction Code - see M.C.L.A. Secs. 125.1501 et seq.; B. & H. Ch. 1420

Construction Board of Appeals - see B. & H. Ch. 1442

# **CHAPTER 298**

## **Downtown Development Authority**

- 298.01 Definitions.
- 298.02 Determination of necessity.
- 298.03 Establishment; general powers.
- 298.04 Downtown District boundaries.
- 298.05 Board of Trustees.
- 298.06 Specific powers.
- 298.07 Director; bond.
- 298.08 Fiscal year; budget; audits.

### **CROSS REFERENCES**

- Municipal bonds - see M.C.L.A. Secs. 117.4a, 117.4b, 117.4e, 117.4g, 117.5, 117.14a, 117.35a
- Improvements in home rule cities - see M.C.L.A. Secs. 117.4d et seq.
- Business area redevelopment projects - see M.C.L.A. Secs. 125.981 et seq.
- Downtown Development Authority - see M.C.L.A. Secs. 125.1651 et seq.
- Supervising Agency for Urban Redevelopment Corporation - see ADM. 240.01

### **298.01 DEFINITIONS.**

The terms used in this chapter shall have the same meanings given to them in Act 197 of the Public Acts of 1975, as amended M.C.L.A. 125.1651 et seq.; M.S.A. 5.3010(1) et seq., unless the context clearly indicates the contrary. In addition, as used in this chapter:

- a) "Act 197" means Act 197 of the Public Acts of 1975, as now in effect or hereafter amended (M.C.L.A. 125.1651 et seq.; M.S.A. 5.3010(1) et seq.).
- b) "Authority" means the Downtown Development Authority.
- c) "Board" or "Board of Trustees" means the Board of Trustees of the Authority, the governing body of the Authority.
- d) "Chief Executive Officer" means the Mayor of the City.
- e) "Downtown District" means the Downtown District designated by this chapter as now existing or hereafter amended.

(Ord. 72. Passed 9-5-78.)

### **298.02 DETERMINATION OF NECESSITY.**

The City Commission hereby determines that it is necessary for the best interests of the City to halt property value deterioration and to increase property tax valuation where possible in the business district of the City, to eliminate the causes of deterioration and to promote economic growth by establishing a Downtown Development Authority pursuant to Act 197 of the Public Acts of 1975, as amended.

(Ord. 72. Passed 9-5-78.)

### **298.03 ESTABLISHMENT; GENERAL POWERS.**

There is hereby established in and for the City, pursuant to Act 197 of the Public Acts of 1975, as amended, a Downtown Development Authority. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of "Traverse City Downtown Development Authority." The Authority may adopt a seal, may sue and be sued in any court of the State and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided in this

chapter and in Act 197. The enumeration of a power in this chapter or in Act 197 shall not be construed as a limitation upon the general powers of the Authority. (Ord. 72. Passed 9-5-78.)

**298.04 DOWNTOWN DISTRICT BOUNDARIES.**

The Downtown District in which the Downtown Development Authority shall exercise its powers, as provided by Act 197 of the Public Acts of 1975, as amended, shall consist of the following described territory in the City, subject to such changes as may hereafter be made pursuant to this chapter and Act 197. An area in the City within the boundaries described as follows: that property lying southerly of Grand Traverse Bay and lying northerly of a line described as follows:

Beginning at a point on the Bay Shore that coincides with the northerly extension of the centerline of Oak Street; thence southerly along such centerline extension to its intersection with the centerline of the C & O Railroad tracks; thence southeasterly approximately 500 feet along the C & O Railroad tracks to the centerline of 2nd Street; thence southerly from 2nd Street approximately 1,050 feet along the centerline of the C & O Railroad tracks to the centerline of the alley between Front and 5th Streets; thence commencing at the northwest corner of Lot 8 of the Hannah, Lay and Company First Addition as recorded by the County Register of Deeds, Liber 3 of Plats on Page 25; thence southeasterly along the northeast boundary of Lot 8 to the northeast corner of Lot 8; thence southerly along the east line of such plat to the south right of way of Sixth Street (66 feet wide); thence easterly along the south right of way of Sixth Street to the west right of way of Locust Street (53 feet wide); thence southerly along the west right-of-way line of Locust Street to the south right-of-way line of Ninth Street (66 feet wide); thence easterly along the south right of way of Ninth Street to the east right-of-way line of the north-south ally (33 feet wide) east of Union Street, Block 6, as found in Hannah, Lay and Company's First Addition, recorded in Book One, Page 10; thence northerly along the east right of way of such alley to the south right-of-way line of 8th Street (66 feet wide); thence easterly along the south right of way of 8th Street to the thread of the Boardman River; thence northwesterly along the thread of the Boardman River to the centerline of Cass Street; thence northerly along the centerline of Cass Street to the centerline of the alley between State and Washington Streets; thence easterly approximately 300 feet to the east lot line of Lot 14, Block 7, of the original Plat of Traverse City; thence southerly approximately 213.5 feet to the centerline of Washington Street; thence easterly approximately 555 feet along the centerline of Washington Street to a point approximately 27 feet east of the west lot line of Lot 14, Block 21, original Plat of Traverse City; thence northerly approximately 213.5 feet to the centerline of the alley between State and Washington Streets; thence easterly to the centerline of Boardman Avenue; thence northerly along the centerline of Boardman Avenue to the centerline of the alley between Front and State Streets; thence easterly to the centerline of Railroad Avenue; thence northwesterly to the intersection of the centerlines of East Front Street and Railroad Avenue; thence easterly to the intersection of the centerlines of East Front Street and Grandview Parkway; thence northwesterly to the centerline of the Boardman River; thence northerly to Grand Traverse Bay and also including Lot 3 of Hannah, Lay and Company's 16th Addition, Liber 3 of Plat, Pages 6 and 7. (Ord. 72. Passed 9-5-78; Ord. 176. Passed 6-17-85.)

**298.05 BOARD OF TRUSTEES.**

The Downtown Development Authority shall be under the supervision and control of a Board of Trustees consisting of the Mayor and eleven members as provided by Act 197 of the Public Acts of 1975, as amended. The members shall be appointed by the Mayor, subject to approval by the City Commission, and shall hold office for the terms provided in Act 197. For the office of Trustee established by Ordinance 180, the term shall expire on September 15, 1988; thereafter terms shall be for four years. All members shall hold office until the member's successor is appointed. (Ord. 72. Passed 9-5-78; Ord. 147. Passed 12-6-82; Ord. 158. Passed 10-3-83; Ord. 180. Passed 8-19-85.)

**298.06 SPECIFIC POWERS.**

Except as specifically otherwise provided in this chapter, the Downtown Development Authority shall have all powers provided by law, subject to the limitations imposed by law and in this chapter. The Authority may levy ad valorem taxes on real and tangible personal property not exempt by law and as finally equalized in the Downtown District at the rate of not more than two mills each year if the City Commission annually approves the levy thereof.

(Ord. 72. Passed 9-5-78.)

**298.07 DIRECTOR; BOND.**

If a director is employed as authorized by Section 5 of Act 197 of the Public Acts of 1975, as amended, he or she shall post bond in the penal sum of five thousand dollars (\$5,000) as required by such section.

(Ord. 72. Passed 9-5-78.)

**298.08 FISCAL YEAR; BUDGET; AUDITS.**

(a) The fiscal year of the Downtown Development Authority shall begin on July 1 of each year and end on June 30 of the following year, or as otherwise adopted by the City.

(b) The Board of Trustees shall annually prepare a budget and shall submit it to the City Commission on the same date that the proposed budget for the City is required by the City Charter to be submitted to the Commission. The Board shall not finally adopt a budget for any fiscal year until the budget has been approved by the Commission. However, the Board may temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds were required to do so by the ordinance authorizing the revenue bonds.

(c) The Authority shall submit financial reports to the Commission as requested by the Commission. The Authority shall be audited annually by the same independent auditors auditing the City, and copies of the audit report shall be filed with the Commission. (Ord. 72. Passed 9-5-78.)

# CHAPTER 299

## Public Art

299.01	Purpose and Intent
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### **299.01 PURPOSE AND INTENT**

The City Commission of Traverse City finds that the presence of public art advances the interests of the City, increases its desirability, aids in the enhancement of property values, promotes economic growth, and contributes to the general welfare of the City's citizens. The City Commission believes that public art should be encouraged and, therefore, establishes the following regulations to direct the inclusion of the works of art in the public spaces of the City. (Ord. 1014. Passed 2-17-15)

### **299.02 DEFINITIONS**

- (a) "Arts Commission" shall mean the Traverse City Arts Commission established pursuant to Section 30 of the City Charter.
- (b) "Art Selection Panel" shall mean a five-member panel appointed by the Traverse City Arts Commission, who reviews proposals made under this ordinance and make recommendations to the Arts Commission.
- (c) "Eligible Fund" shall mean a source fund for construction projects from which art is not precluded as an object of expenditure. Eligible Funds shall exclude those funds expended for construction of utilities.
- (d) "Public Arts Trust" shall mean a fund established by the City Treasurer to be used consistent with its duties as outlined in this Chapter.
- (e) "Public Art" shall mean Works of Art located in highly visible public areas or private property areas that are highly visible from public areas. These are:
  - (1) Outdoor areas on public property or outdoor areas on private property that are highly visible from public areas.
  - (2) Interior areas that are highly traveled public areas in public or private buildings. Specifically excluded are interior areas not accessible to the general public (offices, work stations, cafeterias).
  - (3) Interior and exterior wall surfaces on or in public or private buildings when the work of art is attached to the wall surface, such as a mosaic or mural and the wall surface is visible from an area that is highly traveled by the public.
  - (4) Notwithstanding anything to the contrary contained in this Chapter, unless funding from the Public Arts Trust is provided for the Public Art, this Chapter

## PUBLIC ART

shall not apply to Public Art to be located on real property not otherwise subject to City authority.

- (f) “Works of Art” shall mean all forms of original creations of visual art, including, but not limited to:
- (1) Sculpture: In the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
  - (2) Painting: All media, including portable and permanently affixed works, such as murals and frescoes.
  - (3) Architectural Design Features: Visual interest that may be freestanding or placed on roadway structural features such as noise walls, retaining walls, sidewalks, bridges, bike paths or approved engineered structures.
  - (4) Mosaics.
  - (5) Mixed media: Any combination of forms or media including collage.
  - (6) Digital art: An artistic work or practice that uses digital technology as an essential part of the creative or presentation process.
  - (7) Photography.

(Ord. 1014. Passed 2-17-15)

### **299.03 ESTABLISHMENT**

There is hereby established an Arts Commission pursuant to Section 30 of the City Charter and upon recommendation of the City Manager.

(Ord. 1014. Passed 2-17-15)

### **299.04 ESTABLISHMENT OF PUBLIC ARTS TRUST**

There is hereby established a “Public Arts Trust” fund into which will be deposited the funds appropriated pursuant to this Chapter and from which expenditures may be made for the acquisition, commission, exhibition, and maintenance of works of art consistent with this Chapter.

- (a) Funding For Public Art: The City Commission shall annually appropriate funds from the general fund to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter. The Downtown Development Authority shall annually appropriate funds to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter within the Downtown District.
- (b) Private Funding of Public Art: All funds placed into the Public Art Fund through private donations or donations creating an exemption shall be expended for Public Art as hereafter provided.

(Ord. 1014. Passed 2-17-2015)

### **299.05 INCLUSIONS AND EXCLUSIONS RELATIVE TO EXPENDITURES FOR PUBLIC ART**

- (a) Inclusions. The portion of the Public Arts Trust reserved for Works of Art may be expended for the following:
  - (1) The cost of the Public Art and its installation.
  - (2) Identification plaques and labels.

- (3) Waterworks, electrical and mechanical devices and equipment which are an integral part of the Public Art.
  - (4) Frames, mats, and simple pedestals necessary for the proper presentation of the Public Art.
  - (5) Maintenance and repair of the surface of the Public Art.
  - (6) Fees to artists for the execution of final proposals for the arts commission to select from.
  - (7) Exhibitions, marketing and educational programs.
  - (8) For the support of artistic special events at a cost not to exceed five percent of the appropriation reserved for the Public Art.
  - (9) Administrative expenses at a cost not to exceed fifteen percent of the appropriation reserved for the Work of Art.
- (b) Exclusions. The portion of the Public Arts Trust reserved for Works of Art may not be expended for the following:
- (1) Reproductions by mechanical or other means of original Works of Art, however, limited editions controlled by the artist may be included.
  - (2) Art objects which are mass produced or of standard designs, such as playground sculpture or fountains.

(Ord. 1014. Passed 2-17-15)

**299.06 TRAVERSE CITY ARTS COMMISSION; COMPOSITION; TERMS OF OFFICE; COMPENSATION; EXPENSES**

The Traverse City Arts Commission will consist of nine members who will be registered electors of the City or members of the Downtown Development Authority Board of Directors and will have evidenced interest in the advancement of Public Art in the City of Traverse City. The City Commission will appoint four members from the following public bodies of the City: one from the Parks and Recreation Commission, one from the Downtown Development Authority Board of Directors, one from the Planning Commission, and one from the City Commission. The City Commission will appoint the remaining four members of the Traverse City Arts Commission from the registered electors of the City. The City Manager, or the designee of the City Manager, shall be a member of such an advisory committee with full authority of vote.

All members of the Traverse City Arts Commission, excluding those appointed from the Parks and Recreation Commission, Downtown Development Authority Board of Directors, Planning Commission, and City Commission, will be appointed to terms of three years. All members of the Traverse City Arts Commission appointed from the Parks and Recreation Commission, Downtown Development Authority Board of Directors, Planning Commission, and City Commission will be appointed to terms of three years or for the length of their terms on their respective public bodies, whichever is shorter. Members will be eligible for reappointment. Members will serve without compensation, but may be reimbursed for actual expenses incurred in Commission activities consistent with this Chapter.

The Art Selection Panel, a five-member panel appointed by the Traverse City Arts Commission, will review proposals and make a recommendation to the Traverse City Arts Commission. The Art Selection Panel shall be comprised of one representative from the Arts Commission and four arts professionals, who have knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) and who understand the challenges of Public Art, actively

participate in the selection process of artists and/or artists teams. Members of the Art Selection Panel will be appointed to terms of three years.

In cases where there are one or more stakeholders, the Arts Commission may choose to appoint additional non-voting members representing stakeholders to the Art Selection Panel.  
(Ord. 1014. Passed 2-17-15)

**299.07 VACANCIES**

In the event of a vacancy on the Arts Commission that cannot otherwise be filled consistent with this section, the City Commission will appoint a replacement to serve the remainder of the unexpired term.  
(Ord. 1014. Passed 2-17-15)

**299.08 ORGANIZATION**

- (a) The Arts Commission will schedule regular meetings to be held at least once each month and at other times as necessary. All meetings shall comply with the Open Meetings Act.
- (b) At the first regularly scheduled meeting, the Arts Commission will develop by-laws governing the operations of such Commission.
- (c) At the first regularly scheduled meeting, a Chairperson and a Vice-Chairperson will be elected to a term of one year. Administrative staff may act as the Recording Secretary and Administrative Manager of the Arts Commission. Officers thereafter will be elected to one-year terms upon the expiration of the terms of the previously elected officers.
- (d) Five members will be considered a quorum for the transaction of business of the Arts Commission.

(Ord. 1014. Passed 2-17-15)

**299.09 DUTIES**

- (a) The Arts Commission will develop a Public Art Master Plan and recommend its adoption to the City of Traverse City Planning Commission, Parks & Recreation Commission and City Commission. The Arts Commission shall regularly assess its consistency with City Master Plan and Parks and Recreation five-year plan.
- (b) It will be the duty of the Arts Commission to study and recommend a policy and guidelines to carry out the City's public art program and Public Art Master Plan, and any amendment thereto, which will include, but will not be limited to, a method or methods for the selection of artists or works of art and for the placement of Public Art in the City.
- (c) Recommend the purchase of works of Public Art or commission the design, creation, execution, and/or placement of works of Public Art and the payment therefore from the Public Arts Trust pursuant to the following procedure:
  - (1) Prior to sending out a Request for Proposal (RFP) or Request for Qualifications (RFQ), the Arts Commission shall present a conceptual project to the City Commission and seek authorization from the City Commission for an authorized budget of funds from the Public Arts Trust and for authorization for the appropriate signatories to enter into an agreement on behalf of the City with an artist to be selected and recommended by the Arts Commission for the specific project under consideration. If the City approves the conceptual project the City

Commission shall authorize the necessary individuals to execute documents necessary to carry out the project subject to recommendation of the artist by the Arts Commission.

- (2) The Arts Commission will then assess the project, establish selection criteria and meet with stakeholders, if any, to be involved in the vision.
  - (3) The Arts Commission will seek approval of a site plan from the appropriate staff.
  - (4) The Arts Commission will prepare and send out the RFP or RFQ.
  - (5) The Arts Commission shall evaluate the proposals submitted in response to the RFP/RFQ and select an artist for the project.
  - (6) Once an artist is selected and a final budget agreed upon, the City will enter into a contract with the artist. The dollar amount of the contract is subject to the funds approved by City Commission and allocated to the project and the artists' fees and fabrication costs, as well as other expenses as allowed under the terms of this Chapter.
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- (d) The Arts Commission shall be responsible for promoting arts in the community, to include, but not be limited to, dissemination of knowledge with regard to arts, recognizing local artists and their work when appropriate, and cooperation with metropolitan agencies also dealing in the arts.
  - (e) The Arts Commission shall be responsible for reviewing Public Art proposed to be donated to be in compliance with the public art program and Public Art Master Plan. If the Arts Commission determines the proposed Public Art is not in compliance, it shall advise and provide steps to have the proposed donated Public Art comply with the applicable requirements and standards.
  - (f) Recommend that site plans be approved by appropriate department heads.
  - (g) Recommend that any proposed Public Art will be reviewed by the department head responsible for operation or maintenance.
  - (h) Study and recommend rules and regulations consistent with this Chapter to facilitate the implementation of its duties and responsibilities under this Chapter.
  - (i) Advise the City Commission on matters pertaining to the arts programs within the city including review of requests for support, monetary or otherwise, submitted to the City; advise on the priority of such requests for or donations and placement of Public Art.
  - (j) The Arts Commission will have such other duties as designated by the City Commission from time to time.
- (Ord. 1014. Passed 2-17-15)