

TITLE III: ADMINISTRATION

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CHAPTER 30: COUNCIL AND OFFICERS

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GENERAL PROVISIONS

§ 30.01 VILLAGE CLERK AND TREASURER.

(A) Appointment.

(1) In accordance with Ch. II, § 3, being M.C.L. § 62.3, and other applicable provisions of Public Act 255 of 1998, amending Public Act 3 of 1895 (The General Law Village Act), being M.C.L. §§ 5.1319 et seq., the Village Treasurer and Village Clerk shall be appointed, not elected, positions.

(2) The respective offices shall be filled by nomination by the Village President and appointed by a majority vote of the Council members elect.
(1989 Code, § 7.01.00)

(B) Compensation. The Village Clerk and the Village Treasurer shall receive such compensation as the Council shall determine by annual resolution or by contract.
(1989 Code, § 7.01.01)

(C) *Terms of office.* The terms of office for each position shall be two years, unless otherwise agreed by contract. The first term of office shall commence on April 1 in the year 2002 and, thereafter, follows the current fiscal year dates.

(1989 Code, § 7.01.02)

(D) *Qualifications of office.*

(1) *Village Clerk.* The qualifications for the position of Village Clerk shall be established by the Council prior to posting a notice of vacancy for the position of Village Clerk.

(2) *Village Treasurer.* The qualifications of the position of Village Treasurer shall be established by the Council prior to posting a notice of vacancy for the position of Village Treasurer.

(1989 Code, § 7.01.03)

(E) *Duties.*

(1) *Village Clerk.* The duties of the Village Clerk shall be those duties prescribed by Public Act 255 of 1998 (The General Law Village Act), being M.C.L. § 64.5, and amendments thereto. Additional duties may be assigned by the Village Council.

(2) *Village Treasurer.* The duties of the Village Treasurer shall be those duties prescribed by Public Act 255 of 1998 (The General Law Village Act), being M.C.L. § 64.9, and amendments thereto. Additional duties may be assigned by the Village Council.

(1989 Code, § 7.01.04)

(Ord. passed 5-8-1989; Ord. 91, passed 10-12-1999; Ord. 13-04, passed 10-1-2013)

§ 30.02 SALARIES OF ELECTED OFFICIALS.

(A) *President's compensation.* The President of the village shall receive compensation in the amount designated by annual fee resolution.

(1989 Code, § 7.04.01)

(B) *Trustee's compensation.* The Trustees of the village shall receive compensation in the amount so designated by annual fee resolution.

(1989 Code, § 7.04.02)

(Ord. passed 5-8-1989; Ord. 91, passed 10-12-1999; Ord. 13-04, passed 10-1-2013)

§ 30.03 COMPENSATION OF APPOINTED OFFICIALS.

(A) *Treasurer's compensation.* The Treasurer of the village shall receive compensation in the

amount so designated by annual fee resolution.
(1989 Code, § 7.05.01)

(B) *Clerk's compensation.* The Clerk of the village shall receive compensation in the amount so designated by annual fee resolution.
(1989 Code, § 7.05.02)
(Ord. passed 5-8-1989; Ord. 91, passed 10-12-1999; Ord. 13-04, passed 10-1-2013)

COUNCIL

§ 30.15 ATTENDANCE AT MEETINGS.

(A) *Good cause shown.*

(1) The following shall be required to show good cause for his or her absences:

- (a) Three regular or special meetings in sequence;
- (b) Two regular meetings in a six-month period; or
- (c) Three regular and/or three special meetings in a nine-month period.

(2) Individual Council members may establish valid cause in advance of absences upon written application to the Council, which may authorize absences by motion.
(1989 Code, § 7.02.00)

(B) *Violation.* Upon violation of any of the provisions of division (A) above by any Council member and/or President, the Council shall direct the Village Clerk to notify the absent Council member and/or President, in writing, with a copy of this section attached, that a public show cause hearing shall be held on a specified date, not less than 15 days, nor more than 60, days from the date of the last absence.
(1989 Code, § 7.02.01)

(Ord. passed 5-8-1989; Ord. 91, passed 10-12-1999; Ord. 13-04, passed 10-1-2013)

§ 30.16 COUNCIL PROCEEDINGS.

(A) *Regular sessions.* The regular sessions of the Village Council shall be held on the first and third Tuesday of each calendar month, beginning at 7:00 p.m.
(1989 Code, § 7.03.01)

(B) *Order of business.*

(1) The following shall be the order of business for the Village Council meetings:

- (a) Call to order;
- (b) Roll call of officers;
- (c) Reproduction of the minutes of last regular and/or special meeting;
- (d) Bills approved;
- (e) Treasurer's report;
- (f) Council person reports;
- (g) Zoning Administrator's report;
- (h) Department chiefs;
- (i) Special committee reports;
- (j) Any other business that may appropriately come before the Council;
- (k) New business; and
- (l) Letters read.

(2) This order of business may be altered, amended or rescinded at any meeting of the Council.
(1989 Code, § 7.03.02)

(C) *Committees of Council.*

(1) *Appointment by President.* At the first regular meeting after the election in November, or as soon thereafter as may be, the President shall appoint as many committees, of two or more members, as he or she deems necessary, but all Council persons must serve on at least one committee.

(2) *Committee expenditures.* A majority of committee members, supported by one other Council member, are authorized to spend up to \$500, if:

(a) The expenditure is allowed in the budget;

(b) The expense is not a partial payment requiring subsequent additional funds (i.e., down payment); and/or

(c) It is not used to commit the village to a contract.

(1989 Code, § 7.03.03)

(D) *Citizen committees.* The President may appoint such advisory committees to assist the Council as he or she deems appropriate and beneficial to the efficient operation of the village.

(1989 Code, § 7.03.04)

(E) *Open meetings.* All meetings of Council, committees, commission and any other “public bodies”, as defined therein, shall comply with the State Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 through 15.275.

(F) *Committees; minutes.* All Council members serve on one committee and committees will submit meeting minutes monthly.

(1989 Code, § 7.03.05)

(Ord. passed 5-8-1989; Ord. 91, passed 10-12-1999; Ord. 13-04, passed 10-1-2013)

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CHAPTER 31: ORGANIZATIONS

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HARBOR COMMISSION

§ 31.01 CREATION. – REPEALED 02-15-2022

A Harbor Commission for the Harbor of Port Sanilac County, Michigan, created on 4-6-1950, is hereby re-established and continued pursuant to Public Act 255 of 1998, §§ 35 through 39, being M.C.L. §§ 67.35 through 67.39.
(1989 Code, § 14.1000) (Ord. 14-01, passed 2-4-2014)

§ 31.02 MEMBERS. – REPEALED 02-15-2022

(A) (1) At the first meeting of the Village Council after the effective date of this code, the Council shall appoint seven members on such Harbor Commission, who are residents of the village, in accordance with the following schedule. Example: three members whose terms shall expire 3-31-1983, two members whose terms shall expire 3-31-1984, two members whose terms shall expire 3-31-1985.

(2) Prior to April 1, 1983, and each year thereafter, the Council shall appoint members to the Harbor Commission for a term of three years each to fill the place or places of those whose terms will expire at the end of that year.
(1989 Code, § 14.1100)

(B) The Commission shall elect from its appointed members a Chairperson, Vice-Chairperson, Secretary and Treasurer, whose duties shall be as follows:

(1) *Chairperson.* The chief executive officer of Commission presiding over meetings. He or she may vote on all issues and he or she, or his or her alternate, must attend and report monthly to the Village Council meetings unless Council specifies an alternate period;
(1989 Code, § 14.1210)

(2) *Vice-Chairperson.* Shall act in the Chairperson's absence or incapacity. Also, he or she shall act as Treasurer and general accountant for the Commission and be responsible for maintaining records of all Commission funds; and
(1989 Code, § 14.1220)

(3) *Secretary.* Shall keep full and accurate minutes of all meetings and shall safeguard all Commission documents, papers, files and the like.
(1989 Code, § 14.1230)
(Ord. 14-01, passed 2-4-2014)

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§ 31.03 COMPENSATION. – REPEALED 02-15-2022

All members of the Commission shall receive compensation for his or her services as a member and may, with prior Council approval, be reimbursed for actual and necessary expenses incurred in the performance of official duties. (Refer to the annual resolution for compensation.)
(1989 Code, § 14.1300) (Ord. 14-01, passed 2-4-2014)

§ 31.04 MEETINGS; OPEN MEETINGS ACT. – REPEALED 02-15-2022

(A) *General.* The Harbor Commission shall hold regular monthly meetings, with special sessions to be called at the discretion of the Chairperson, a majority of the members of the Commission, or by order of the Village Council at any time.
(1989 Code, § 14.1400)

(B) *Open Meetings Act.* All meetings shall be conducted in compliance with the provisions of the State Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 through 15.275.
(1989 Code, § 14.1410) (Ord. 14-01, passed 2-4-2014)

(C) *Attendance of meetings by Commissioners.*

(1) Any Commissioner who is absent from:

(a) Three regular or special meetings in sequence;

(b) Two regular meetings in a six-month period; or

(c) Three regular and special meetings in a nine-month period, shall be required to show good cause for his or her absence.

(2) Individual Commissioners may establish valid cause in advance of absences upon written application to the Commission, which may authorize absence by motion.

(1989 Code, § 14.1420)

(Ord. 14-01, passed 2-4-2014)

§ 31.05 BUDGETS AND RECORDS. – REPEALED 02-15-2022

The Harbor Commission shall submit an annual proposed budget on or before December 31 yearly, copies of year-end financial statements, monthly financial statements and meeting minutes.
(1989 Code, § 14.1500) (Ord. 14-01, passed 2-4-2014)

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§ 31.06 JURISDICTION AND POWERS.

(A) *Designation of area.* The Harbor of Port Sanilac shall consist of all that body of water on the shores of Lake Huron extending from the northernmost village limits to the southernmost village limits, and from the shore to a north/south line one (1) mile due east of the shore.
(1989 Code, § 14.2000)

(B) *Facilities.* The Village of Port Sanilac shall have jurisdiction over all governmental lands and improvements adjoining and in the harbor, including all slips, piers, breakwaters, basins and structures therein, excepting that part which is village park or private property.
(1989 Code, § 14.2100) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

§ 31.07 AUTHORITY.

(A) The Village of Port Sanilac shall have charge of and be vested with all matters connected with the operation, supervision, maintenance and improvements of the Harbor and the public facilities and service therein. In instances of undefined responsibility, the Village and its officers shall for purposes of clarification, utilize the Village Charter (Public Act 255 of 1998, being M.C.L. §§ 61.1 et seq., as amended) and make direct inquiry to the Village Council for the final approval of all harbor proposed decisions, as defined in the Village Charter.
(1989 Code, § 14.2210) (Ord. 14-01, passed 2-4-2014)

(B) Specifically, the Village of Port Sanilac shall:

(1) *Concessions and licenses.* Provide for the granting of concessions within the boundaries of the harbor, so as to furnish the public fuel, oil, food and other facilities or services;

(2) *Fees.* Provide and cause to be levied, suitable fees and leases for services and facilities provided by the Harbor Commission or its agents, with village approval;

(3) *Harbor Master.* Hire a Harbor Master and supervise said Harbor Master's activities;

(4) *Rules and regulations.* Make, amend and revise and cause to be enforced, such rules and regulations as shall be appropriate and necessary for the administration of this subchapter, for designating the particular harbor area where all or certain recreational activities are prohibited or specifically permitted;

(5) *Surveys.* May cause surveys to be made to establish or define the harbor parameters;

(6) *Mooring and dock areas.* Designate and allocate mooring and dock areas; and

(7) *Other.* Such other duties as are more specifically enumerated in this subchapter or are from time to time delegated and/or designated by the Village Council approval. (1989 Code, § 14.2220) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

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§ 31.08 REVENUES.

(A) Deposits.

(1) All revenues received under the provisions of this subchapter shall be deposited in the local bank depository at the close of each business day or more often if necessary.

(2) Duplicate deposit slips shall be given to the Village Treasurer the forenoon of the first village office business day of deposit and shall be credited to a special fund to be known as the Harbor of Refuge Fund. The duplicate deposit slips shall be presented to the Treasurer with all applicable pre-numbered sales slips.

(3) The Village Treasurer will account for the sequence of the pre-numbered sales slips and reconcile the revenues thereon to the inventories disbursed. Disbursed by the Village Treasurer from said Fund shall be authorized by vouchers signed by the authorized persons approved by Village Council.

(1989 Code, § 14.2310)

(4) All bank duplicate pre-numbered deposit slips deposited by the Harbor shall be turned over to the Village Bookkeeper for reconciliation before and be credited to a special fund to be known as the Harbor Refuge Fund. The Village Treasurer will reconcile the revenues to the inventories disbursed. Funds shall be authorized by vouchers signed by the authorized persons approved by Village Council.

(B) Expenses. The original bills for any and all expenses to be paid from said Fund shall be for the necessary and reasonable expenses incurred to carry out the provisions of this subchapter and to provide for the operation, supervision, maintenance and improvements of the Harbor.

(1989 Code, § 14.2320) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

§ 31.09 CONTRACTS AND OBLIGATIONS. – REPEALED 02-15-2022

(A) Construction contracts. Contractual work which exceeds 5% of the Harbor Commission total annual budget shall be awarded through open bidding with the awarding of the bid, to be

handled by the Village Council, upon the recommendation of the Harbor Commission.
(1989 Code, § 14.2410)

(B) *Obligations.* The Harbor Commission may not borrow, encumber, assume or otherwise incur any indebtedness or other obligation without the entry of the Village Council's approving resolution in the Commission's minutes prior to the borrowing or other obligation.

(1989 Code, § 14.2420)

(Ord. 14-01, passed 2-4-2014)

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§ 31.10 HARBOR MASTER AND PERSONNEL.

(A) *Harbor Master.* There is hereby created the office of Harbor Master. The Harbor Master shall be hired seasonally or on a full-time basis and shall be supervised by the Village Council.

(1989 Code, § 14.3010)

(B) *Harbor personnel.* The Harbor Master shall hire and supervise adequate harbor personnel to assist him or her with his or her duties. Directives for the harbor personnel will come from the Village Council via the Harbor Master.

(1989 Code, § 14.3020)

(C) *Enforcement.* The Village Police Department, the County Sheriff Department or the State Police shall enforce the laws and regulations pertaining to the harbor and the waters within the jurisdiction of the Village, and the Harbor Master and Harbor Personnel shall solicit their assistance as necessary.

(1989 Code, § 14.3200)

(D) *Personnel to keep data.*

(1) The Harbor Personnel shall prepare and preserve all statistical data respecting the harbor, the movement of all vessels, watercraft and floats therein, and shall maintain a daily harbor log.

(2) They shall keep an accurate account and record of all damage to docks, wharves and other public or private property pertaining to the harbor, including cause thereof and responsibility thereof.

(1989 Code, § 14.3300)

(Ord. 07-02, passed 5-19-2007; Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

§ 31.11 VESSEL CONTROL.

(A) *Control of vessels.* The Harbor Personnel shall have authority and give such orders and directives relative to the location, berthing, change of place or station, manner of moving or use of the harbor of or by every vessel, watercraft or float moving, anchored or laid upon in the harbor as necessary in the interest of trade, navigation and safety so that conditions in the harbor shall not be hazardous or congested.

(1989 Code, § 14.3410)

(B) *Authority to board vessels.* To this end, they shall have full authority to board and/or move any vessel that shall be within the harbor.

(1989 Code, § 14.3420)

(C) *Compliance required.* It shall be unlawful for any owner, captain, master, consignee or other person having charge of any such vessel to refuse to comply with such orders or directions.

(1989 Code, § 14.3430)

(D) *Detainer.* The Village shall have the right to hold such vessel for the payment of costs incurred in moving or storing it.

(1989 Code, § 14.3440)

(Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty, see § 10.99

Organization

§ 31.12 ENCROACHMENTS.

(A) *Report of encroachments.* The harbor personnel shall report to the Village through the Harbor Master any and all encroachments upon the harbor lines as now established or which may hereafter be established and, thereupon, the Village shall take such actions as may be necessary to enforce the provisions of this subchapter, and to remove or cause to be removed any such obstructions or encroachments.

(1989 Code, § 14.3510)

(B) *Removal of encroachments, liability for expense.* If it shall be found that any pile, stone, timber, earth, dock, bridge or other obstruction whatsoever has been placed on any part of the harbor without the Village's approval or in violation of the provisions of this subchapter, or that any piling, harbor construction work, dock, bridge or other harbor facility has been abandoned, and is an obstruction upon being requested so to do by the Harbor Master or the Village, the Village shall have

the power to proceed forthwith to remove such obstruction and to charge the expense of such removal to the person who placed such obstruction in the harbor or caused it to be so placed, and the imposition of any fine or penalty provided for against any person obstructing the harbor shall not be held to exempt any such person from the recovery by the Village of the cost of recovering any such obstruction.

(1989 Code, § 14.3520)

(Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

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DOWNTOWN DEVELOPMENT AUTHORITY

§ 31.25 TITLE. – REPEALED 03-09-2017

This subchapter shall be known and may be cited as “The Downtown Development Authority Code” of the village.
(1989 Code, § 10.000)

§ 31.26 DEFINITIONS. - REPEALED 03-09-2017

The terms used in this subchapter shall have the same meaning as given to them in Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680.
(1989 Code, § 10.010)

§ 31.27 DETERMINATION OF NECESSITY. - REPEALED 03-09-2017

The Council of the village hereby determines that it is necessary for the best interests of the village to halt property value deterioration and increase property tax valuation where possible in the business district of the village, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority, pursuant to Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, as amended.
(1989 Code, § 10.020)

§ 31.28 CREATION OF AUTHORITY. - REPEALED 03-09-2017

There is hereby created, pursuant to Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, a Downtown Development Authority for the village. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of “Village of Port Sanilac 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 by this subchapter and Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, as amended. The enumeration of a power in this subchapter or in Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, shall not be construed as a limitation upon the general powers of the Authority.
(1989 Code, § 10.030)

§ 31.29 GOVERNING BOARD OF AUTHORITY. - REPEALED 03-09-2017

The Authority shall be under the supervision and control of a board consisting of the chief executive officer of the village and eight members, as determined by the governing board of the municipality. Board members shall be appointed by the Village President, subject to the approval by the governing body of the village, all in accordance with § 4 of Public Act 197 of 1975, being M.C.L. § 125.1654.

(1989 Code, § 10.040) (Ord. 03-5, passed 5-13-2003)

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§ 31.30 DESCRIPTION OF DOWNTOWN DISTRICT. - REPEALED 03-09-2017

The Downtown District in which the Authority shall exercise its powers as provided by Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, shall consist of described territory in the village, subject to such changes as may hereinafter be made pursuant to this subchapter and Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680.

(1989 Code, § 10.050)

§ 31.31 MEETINGS. - REPEALED 03-09-2017

(A) Within 30 days after the appointment of the Board of Downtown Development Authority, the Authority shall call a meeting. The meeting shall open with a call for an election of Board officers, which shall consist of the following officers: a Chairperson, a Vice-Chairperson, a Treasurer and a Secretary.

(B) The Board shall adopt procedures to govern the conduct of its meetings and to define the duties of its officers and employees, which shall be submitted to the Village Council for approval prior to adoption by the Authority Board.

(1989 Code, § 10.060)

§ 31.32 POWER OF AUTHORITY. - REPEALED 03-09-2017

The Downtown Development Authority is to be controlled and regulated strictly by the Downtown Development Authority Act, being Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, as amended, and shall have all powers provided therein.

(1989 Code, § 10.070)

§ 31.33 REPEAL ORDINANCE

(A) In compliance with the provision of 10.08 of the Village of Port Sanilac Code it is ordered that Ordinance 31.33 shall repeal those provisions of Ordinance 31.25 – 31.32 inclusive.

(Ord. passed 03-09-201

CHAPTER 32: GENERAL POLICIES

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GENERAL PROVISIONS

§ 32.01 FISCAL YEAR.

The fiscal year of the village commences on July 1 and extending for one year through June 30 annually.

(Ord. 02-04, passed 11-12-2002)

§ 32.02 CRIMINAL PROSECUTION REWARDS.

The village will provide a reward, which will be set annually by the Village Council, to any civilian who provides information which directly results in the arrest and conviction of any person.

SOCIAL SECURITY NUMBER PRIVACY POLICY

§ 32.15 PURPOSE.

The village is required by the State Social Security Number Privacy Act, Public Act 454 of 2004, being M.C.L. §§ 445.81 et seq., (the "Act") to create a privacy policy concerning the Social Security numbers that it possesses or obtains. This privacy policy, therefore, sets forth the village's policies and procedures regarding how Social Security numbers are obtained, stored, transferred, used, disclosed and disposed.

(Ord. 07-01, passed 2-20-2007) Penalty, see § 10.99

§ 32.16 POLICY.

It is the policy of the village to protect the confidentiality of Social Security numbers obtained in the ordinary course of village business from employees, vendors, contractors, customers or others. No village official or employee shall knowingly obtain, store, transfer, use, disclose or dispose of a Social Security number that the village obtains or possesses, except in accordance with the Act and this privacy policy.

(Ord. 07-01, passed 2-20-2007) Penalty, see § 10.99

§ 32.17 PROCEDURE.

(A) *Obtaining Social Security numbers.* Social Security numbers should be collected only where required by federal and state law or as otherwise permitted by federal and state law for legitimate reasons consistent with the Act and this privacy policy. When the village obtains a Social Security number, the individual from whom the Social Security number is obtained shall be entitled to know the purpose, intended use, whether the number is required to be provided by law, and the consequences of not providing the number. Legitimate reasons for collecting a Social Security number include, but are not limited to, the following:

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(1) Applicants may be required to provide a Social Security number for purposes of a pre-employment background check.

(2) Copies of Social Security cards may be obtained for purposes of verifying employee eligibility for employment.

(3) Social Security numbers may be obtained:

(a) From employees for tax reporting purposes, for new hire reporting or for purposes of enrollment in any village employee benefit plans;

(b) From creditors or vendors for tax reporting purposes;

(c) To verify an individual's identity related to accounts, transactions and services with the village;

(d) To investigate an individual's claim, credit, criminal or driving history;

(e) To detect, prevent or deter identity theft or another crime; and/or

(f) To lawfully investigate, collect or enforce a child or spousal support obligation or

tax liability.

(B) *Public display.* All or more than four sequential digits of a Social Security number shall not be publicly displayed and shall not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, permits, licenses or any other materials or documents designed for public display. Documents, materials or computer screens that display all or more than four sequential digits of a Social Security number shall be kept out of public view at all times.

(C) *Account numbers.* Except as permitted by M.C.L. §§ 445.81 et seq., all or more than four sequential digits of a Social Security number shall not be used as a primary account number for an individual.

(D) *Computer transmission.* All or more than four sequential digits of a Social Security number shall not be used or transmitted on the internet or on a computer system or network and shall not be used to gain access to a computer system or network and shall not be used to gain access to a computer system or network, unless the connection is secure or the transmission is encrypted.

(E) *Mailed documents.* Village documents containing all or more than four sequential digits of a Social Security number shall not be intentionally mailed to a person, unless one of the following exceptions apply. In addition, any document or information mailed or otherwise sent to an individual shall not have all or more than four sequential digits of a Social Security number visible on or, without manipulation, from outside of the envelope or packaging. Exceptions to mailed documents are:

(1) State or federal law, rule, regulation or court order or rule authorizes, permits or requires that a Social Security number appear on the document;

(2) The document is sent as part of an application or enrollment process initiated by the individual;

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(3) The document is sent to establish, confirm the status of, service, amend or terminate an account, contract, policy or employee or health insurance benefit or to confirm the accuracy of a Social Security number of an individual who has an account, contract, policy or employee or health insurance benefit;

(E) *Mailed documents.* Village documents containing all or more than four sequential digits of a Social Security number shall not be intentionally mailed to a person, unless one of the following exceptions apply. In addition, any document or information mailed or otherwise sent to an individual shall not have all or more than four sequential digits of a Social Security number visible on or, without manipulation, from outside of the envelope or packaging. Exceptions to mailed documents are:

(1) State or federal law, rule, regulation or court order or rule authorizes, permits or requires that a Social Security number appear on the document;

(2) The document is sent as part of an application or enrollment process initiated by the individual;

(3) The document is sent to establish, confirm the status of, service, amend or terminate an account, contract, policy or employee or health insurance benefit or to confirm the accuracy of a Social Security number of an individual who has an account, contract, policy or employee or health insurance benefit;

(4) The documents or information is a public record and is mailed by the village in compliance with the State Freedom of Information Act, being M.C.L. §§ 15.231 through 15.246;

(5) The document or information is a copy of a vital record as provided by law and is mailed to a person entitled to receive that record; and/or

(6) The documentation or information is mailed by or at the request of an individual whose Social Security number appears in the document or information or his or her parent or legal guardian.

(F) *Freedom of Information Act.* Where all or more than four sequential digits of a Social Security number are contained within a document subject to disclosure under the Freedom of Information Act, being M.C.L. §§ 15.231 through 15.246, the Social Security number shall be redacted or otherwise rendered unreadable before the document or copy of a document is disclosed.

(G) *Storage.* All documents containing Social Security numbers shall be stored in a physically secure manner. Social Security numbers shall not be stored on computers or other electronic devices that are not secured against unauthorized access.

(H) *Access to Social Security numbers.*

(1) Only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers. The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in the village's ordinary course of business to have access to such Social Security numbers.

(2) Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

General Policies

(I) *Disposal.*

(1) Documents containing Social Security numbers shall be retained in accordance with the requirements of state and federal laws.

(2) At such time as documents containing Social Security numbers are disposed of, such disposal shall be accomplished in a manner that protects the confidentiality of the Social Security numbers must take appropriate steps to secure such records when not in immediate use.

(J) *Unauthorized use or disclosure of Social Security numbers.*

(1) The village shall take reasonable measures to enforce this privacy policy and to correct and prevent the reoccurrence of any known violations. Any employee who knowingly obtains, uses or discloses Social Security numbers for unlawful purposes or contrary to the requirements of this privacy policy shall be subject to discipline up to and including discharge.

(2) Additionally, certain violations of M.C.L. §§ 445.81 et seq. carry criminal and/or civil sanctions.

(3) The village will cooperate with appropriate law enforcement or administrative agencies in the apprehension and prosecution of any person who knowingly obtains, uses or discloses Social Security number through the village for unlawful purposes.

(Ord. 07-01, passed 2-20-2007) Penalty, see § 10.99

§ 32.18 EXCEPTIONS.

(A) *Authorized use of Social Security numbers.* This privacy policy shall not apply to the use of all or more than four sequential digits of a Social Security number that is authorized or required by state or federal law, by court order or rule, or pursuant to legal discovery or process.

(B) *Agencies authorized to use Social Security numbers.* This privacy policy shall not apply to the use of all or more than four sequential digits of a Social Security number by the Village Police Department or the Village Attorney as part of a criminal investigation.

(C) *Authorized disclosure of Social Security numbers.* This privacy policy shall not apply to the disclosure of all or more than four sequential digits of a Social Security number to a title IV-D agency (42 U.S.C. §§ 406 et seq.), law enforcement agency, court or prosecutor as part of a criminal investigation or prosecution.

(Ord. 07-01, passed 2-20-2007)

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EXPENDITURE OF FUNDS IN EMERGENCY SITUATIONS

§ 32.30 PRESIDENT'S EMERGENCY AUTHORITY.

In the event that imminent danger to persons and/or public or private property is reasonably foreseen as a proximate result of the malfunction, malfunction or non-function of village equipment or services, the President (or President pro tempore in the President's absence) may, at his or her discretion upon verification as described below, direct the immediate payment from the village's General Fund by warrant under the conditions listed herein.
(1989 Code, § 11.000)

§ 32.31 WARRANTS.

The Village President and the Village Clerk are hereby authorized to sign village warrants for not more than \$5,000 for emergency repairs, services and/or parts under the circumstances described herein.
(1989 Code, § 11.010)

§ 32.32 ALTERNATE SIGNATURE.

(A) In the absence or disability of the President, the President pro tempore of the Village Council may sign the warrants authorized herein.

(B) The Council may appoint one of its own members, or some other person, other than the President pro tem, to perform the duties of the Village Clerk in the absence of the Clerk or if for any cause he or she shall be unable to discharge or be disqualified from such duties.
(1989 Code, § 11.020)

§ 32.33 INVOICE.

The person(s) providing the services and/or parts and/or equipment must present an invoice itemizing the charges and reasons for demanding immediate payment.
(1989 Code, § 11.030)

§ 32.34 VERIFICATION.

The DPW Supervisor overseeing the operation of the affected department (e.g., Water, Streets, Fire and the like) shall, in writing, review, verify and approve the value and the immediate necessity of the charges. The particular danger or hazard shall be described, as well as cause (if known) for the emergency. Verification for the expenditure shall come from a trustee other than a signatory of the warrant.

(1989 Code, § 11.040)

General Policies

§ 32.35 REPORT.

At the next regular or special meeting of the Council, the President and/or DPW Supervisor/Business Manager shall report the expenditure to the Council and shall call upon the verifying committee member to present the details surrounding the emergency which gave rise to the expenditure. The verification shall be entered into the minutes of the meeting.

(1989 Code, § 11.050)

§ 32.36 ACCOUNTING.

The warrants signed under this subchapter shall be drawn from the General Fund and attributed to the department benefitted by the repairs.

(1989 Code, § 11.060)

SALE OF REAL PROPERTY

§ 32.50 TITLE.

This subchapter shall be known and may be cited as the “Sale of Real Property Chapter of the Code of Ordinances of the Village of Port Sanilac”.

(1989 Code, § 21.000)

§ 32.51 DEFINITIONS.

The terms used in this subchapter shall have the same meaning as given to them in Public Act 255 of the Public Acts of 1998, the General Law for Villages, being M.C.L. §§ 61.1 et seq.

(1989 Code, § 21.010)

§ 32.52 COUNCIL AUTHORIZATION.

The Council of the village may, by a confirming vote of two-thirds of the Council and for sufficient consideration, convey title to real property held in the name of the village, unless otherwise prohibited.

(1989 Code, § 21.020)

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§ 32.53 SALE PRICE.

Real property held in the name of the village may be sold by the Council, but only for sufficient consideration determined by:

- (A) Competitive bid;
- (B) Appraisal;
- (C) Court order;
- (D) Popular election; or

(E) Such other technique as would assure that the village receives at least fair market value.
(1989 Code, § 21.030)

§ 32.54 METHOD OF SALE.

(A) Sale of any real property owned by the village shall be sold at duly noticed public hearing sale, pursuant to opinion of the Attorney General (No. 0-2888, 1944).

(B) Notice of the action of the Council effecting the sale shall be published in a newspaper in general circulation in the village and posted in at least three conspicuous locations in the village.

(C) The sale documents shall not be executed, consideration exchanged or accepted and sale

final until passage of 60 days after hearing wherein agreement of sale is reached between Council and prospective purchaser.
(1989 Code, § 21.040)

§ 32.55 EXCEPTIONS.

(A) The Council of the village shall not convey, sell or dispose of a public park or playground without the consent of the majority of the qualified electors of the village, pursuant to Public Act 67 of the Public Acts of 1974.

(B) The Council of the village shall not convey, sell or dispose of real property if a majority of the electors at a regular or special election oppose such sale.
(1989 Code, § 21.050)

General Policies

§ 32.56 OPPOSITION TO SALE.

(A) The sale of real property shall not be effective, and the sales documents not executed, until 60 days after the hearing wherein the Council approves said sale.

(B) Within 60 days, electors in opposition to the sale may file petition(s) signed by at least 8% of the registered electors to have the sale placed on the ballot for approval or rejection by a majority of the village electors at the next regular election, or at a special election scheduled for that purpose.
(1989 Code, § 21.060)

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CHAPTER 33: PUBLIC IMPROVEMENTS

Section

- 33.01 Definitions
- 33.02 General authority for assessments
- 33.03 Initiation of proceedings by petitions of property owners
- 33.04 Initiation of proceedings by Village Council
- 33.05 Zoning Administrator's investigation and report
- 33.06 Tentative determination by Council; direction to prepare assessment roll
- 33.07 Filing of assessment roll; fixing time for and giving notice of public hearing
- 33.08 Hearings; conduct; action by Council
- 33.09 Required vote in case of objections
- 33.10 Lien; creation; when due; installment payments
- 33.11 Collection
- 33.12 Fees and interest
- 33.13 Additional assessments
- 33.14 Refunds
- 33.15 Division of lots after confirmation of assessment
- 33.16 Assessment defects
- 33.17 Additional procedure
- 33.18 Single lot assessments generally
- 33.19 Use for recovery of cost of abating public nuisances and hazards

§ 33.01 DEFINITIONS.

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

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

PUBLIC IMPROVEMENT. Any public work or public improvement for which any part of the cost is to be assessed against one or more lots or parcels to be specially benefitted thereby.
(1989 Code, § 25.000)

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§ 33.02 GENERAL AUTHORITY FOR ASSESSMENTS.

The entire cost and expense or any part thereof of all public improvements may be defrayed by special assessment upon the lands specially benefitted by the improvement in the manner provided in this chapter.

(1989 Code, § 25.010)

Statutory reference:

Related provisions, see M.C.L. §§ 4.1370(1), 68.31

§ 33.03 INITIATION OF PROCEEDINGS BY PETITION OF PROPERTY OWNERS.

Initiation of public improvements may be by petition to the Village Council, signed by property owners whose property is subject to being benefitted. Such petition shall be printed on forms approved by the Village Attorney and shall set forth the location, extent and character of the referred to the Zoning Administrator for report and recommendation. After receiving the Zoning Administrator's report and recommendation, the Village Council shall proceed in the same manner as provided herein for public improvements initiated by the Village Council.

(1989 Code, § 25.020)

§ 33.04 INITIATION OF PROCEEDINGS BY VILLAGE COUNCIL.

Proceedings for making public improvements and defraying the entire cost or any part thereof by special assessment may be initiated by resolution of the Village Council.

(1989 Code, § 25.030)

§ 33.05 ZONING ADMINISTRATOR'S INVESTIGATION AND REPORT.

(A) Whenever the Village Council shall determine to make any public improvement and defray the entire cost and expense thereof or any part thereof by special assessment, the Council shall, by resolution, direct the Zoning Administrator to oversee an investigation of the proposed public improvement and report the findings to the Council.

(B) The Zoning Administrator's report referred to in division (A) above shall include an analysis of the estimated cost of the proposed public improvement and plans and specifications for the public improvement. There shall also be included recommendations as to the following:

(1) The portion of the cost to be borne by the special assessment district and the portion, if any, to be borne by the village at large;

- (2) The extent of the improvement and boundaries of the district;

Public Improvements

- (3) The number of installments in which assessments may be paid; and

- (4) Any other factors or recommendations which will aid the Council in determining whether the improvement shall be made and how the same shall be financed.

(1989 Code, § 25.040)

§ 33.06 TENTATIVE DETERMINATION BY COUNCIL; DIRECTION TO PREPARE ASSESSMENT ROLL.

Upon receipt of the report of the Zoning Administrator referred to in § 33.05 of this chapter, if the Council shall determine to proceed with the improvement, it shall, by resolution, order the Zoning Administrator's report to be filed with the Village Clerk. In addition, by such resolution, the Council shall tentatively determine to proceed with the public improvement; tentatively determine the necessity thereof and set forth the nature thereof; tentatively designate the limits of the special assessment district to be effected and describe the lands to be assessed; tentatively determine the part or proportion of the cost of the public improvements to be paid by the lands specially benefitted thereby and the part or proportion, if any, to be paid by the village at large for benefit to the village at large; shall direct the Village Assessor to make a special assessment roll of the part or proportion of the cost to be borne by the lands specially benefitted according to the benefits received and to report the same to the Council.

(1989 Code, § 25.050)

§ 33.07 FILING OF ASSESSMENT ROLL; FIXING TIME FOR AND GIVING NOTICE OF PUBLIC HEARING.

(A) When the special assessment roll has been reported to the Council, it shall order the same filed in the office of the Village Clerk for public examination along with the report of the Zoning Administrator required to be made pursuant to this chapter, and shall fix a date, time and place when the Council shall meet to finally determine the necessity of the improvement, composition of the district and to review the roll and to hear complaints. The Zoning Administrator's report and the assessment roll shall be open to public inspection for a period of seven days before the hearing required by this section.

(B) The Village Clerk shall give notice of the hearing by the Council to determine the necessity for the improvement, composition of the district and review the special assessment roll and to hear complaints, by publication at least once in a newspaper printed and circulated in the village at least ten days prior to the time of the meeting, and shall further cause notice of the meeting to be mailed by first class mail to each property owner in the special assessment district, as shown by the current assessment rolls of the village, at least ten days prior to the time of the hearing, the notice to be mailed to the addresses shown on the current assessment rolls of the village. Such notice shall state

that the plans, estimates of cost and special assessment rolls are on file with the Village Clerk.
(1989 Code, § 25.060)

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§ 33.08 HEARINGS; CONDUCT; ACTION BY COUNCIL.

(A) The Council shall meet and hear objections to a proposed public improvement to the special assessment district, and the special assessment roll therefor at the time and place appointed or at an adjourned meeting thereof and shall consider any objections thereto. The Council may revise, correct or amend the plans, estimates of cost, special assessment district and special assessment roll. If any changes are made which result in additions to the special assessment district or increases in the special assessment roll, then a second hearing shall be held with respect to the changes and notice of such hearing shall be given in the same manner as required for the first hearing.
(1989 Code, § 25.070)

(B) After the hearing, or second hearing, if required, as provided for in division (A) above, the Council may, by resolution, determine to proceed with the public improvement; determine the necessity thereof and set forth the nature thereof; designate the limits of the special assessment district to be affected and described the lands to be assessed; finally determine the part or proportion of the cost of the public improvement to be paid by the lands specially benefitted thereby and the part or portion, if any, to be paid by the village at large for benefit to the village at large. The Council may also confirm the special assessment roll with such corrections as it may have made, if any, or may refer it back to the Village Assessor for revision, or may annul it or any proceedings in connection therewith. The Village Clerk shall endorse the date of confirmation upon each special assessment roll. Such roll shall be, upon ratification and confirmation, final and conclusive.
(1989 Code, § 25.080)

§ 33.09 REQUIRED VOTE IN CASE OF OBJECTIONS.

If at or prior to the hearing by the Village Council, the owners of more than one-half of the property to be assessed shall object in writing to the improvement, assessment shall not be made without an affirmative vote of two-thirds elected members of the Council.
(1989 Code, § 25.090)

§ 33.10 LIENS; CREATION; WHEN DUE; INSTALLMENT PAYMENTS.

All special assessments contained in any special assessment roll, including any part hereof to be paid in installments, 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 several lots and parcels of land and a debt to the village from the persons to whom they are assessed. Such lien shall be on the same character and effect as the lien created by statute (M.C.L. §§ 7.81 and 211.40 et seq.) for village taxes and shall include accrued interest and fees. No judgment or decree nor act of the Council vacating a special assessment shall destroy or impair the lien of the village 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 proceedings, might be lawfully assessed thereon. All special assessments shall become due upon confirmation of the special assessment roll or in annual installments, the Council may determine the first installment to be due upon confirmation or upon any other date the Council may prescribe, and the subsequent installments annually thereafter. Deferred installments shall bear interest at such rate as the Council may prescribe.
(1989 Code, § 25.100)

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§ 33.11 COLLECTION.

(A) Whenever any special assessment roll shall be confirmed and be payable, the Council shall direct the Village Clerk to transmit the assessment roll to the Village Treasurer for collection. The Village Treasurer shall mail statements of the several assessments to the respective owners of the several lots and parcels of land assessed, as indicated by the records of the Village Assessor, stating the amount of the assessment and the manner in which it may be paid; provided, however, failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment. The whole or any part of such assessment may be paid in full at any time after the date of confirmation of the special assessment roll until such time as the Council shall prescribe, without interest or penalty. Each special assessment shall be collected by the Village Treasurer with the same rights and remedies as provided by statute for the collection of taxes, except as otherwise therein provided.

(B) All collection fees shall belong to the village and be collectible in the same manner as the collection fee for village taxes.
(1989 Code, § 25.110)

§ 33.12 FEES AND INTEREST.

After the expiration of the period provided for in § 33.10 of this chapter for payment without interest or fees, any installment may be discharged by paying the face amount thereof together with fees and interest thereon from the date of confirmation to the date of payment.
(1989 Code, § 25.120)

§ 33.13 ADDITIONAL ASSESSMENTS.

Should the assessments on any special assessment roll, including the amount assessed to the village at large, prove insufficient for any reason to pay the cost of the improvement for which they were made, then the Council may make additional pro rata assessment to supply the deficiency against the village and the several lots and parcels of land in the same ratio as the original assessments, but the total amount assessed against any lot or parcel of land shall not exceed the value of the benefits received from the improvement.

(1989 Code, § 25.130)

§ 33.14 REFUNDS.

Should the special assessment or the proceeds of sale of any special assessment bonds prove larger than necessary to meet the cost of the improvement or to meet the principal and interest requirements of any special assessment bonds and expenses incidental thereto, the excess shall be placed in the village treasury. If more than 5%, the excess shall be returned pro rata according at assessments, except as otherwise specifically provided. No refunds may be made which contravene the provisions of any evidence of indebtedness secured in whole or in part by such special assessments.

(1989 Code, § 25.140)

§ 33.15 DIVISION OF LOTS AFTER CONFIRMATION OF ASSESSMENT.

(A) Should any lots or lands be divided after a special assessment thereon has been confirmed and divided into installments, the Village Assessor shall apportion the uncollected amounts upon the several amounts as amendments upon the special assessment roll. The Village Treasurer shall, within ten days after such apportionment, send notice of such action to the persons concerned, at their last-known addresses, by first class mail.

(B) Such apportionment shall be final and conclusive on all parties unless protest in writing is received by the Village Treasurer within 20 days of the mailing of the aforesaid notice.

(1989 Code, § 25.150)

§ 33.16 ASSESSMENT DEFECTS.

(A) Whenever the Council deems any special assessment invalid or defective, or whenever a court adjudges an assessment to be illegal in whole or in part, the Council may cause a new assessment to be levied for the same purpose, whether or not the improvement or any part thereof has been completed, or any part of the special assessment collected. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment.

(B) If any portion of the original special assessment is collected and not refunded, it shall be applied upon the reassessment, and the reassessment shall, to that extent, be deemed satisfied. If more than the amount reassessed is collected, the balance shall be refunded to the person making such payment.

(C) If in any action it shall appear that, by reason of any irregularities or informalities the assessment has not been properly made against the person assessed or upon the lot or premises sought to be charges, the court may nevertheless, on satisfactory proof that expense has been incurred by the village which is a proper charge against the person assessed or the lot or premises in question, render judgment for the amount properly chargeable against such person or upon such lot or premises.

(1989 Code, § 25.160)

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§ 33.17 ADDITIONAL PROCEDURE.

In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any improvement or the special assessment therefor, the Village Council shall provide any additional steps or procedure required to affect the improvement by special assessment in the resolution declaring the determination of the Village Council to make such improvement in the first instance.

(1989 Code, § 25.170)

§ 33.18 SINGLE LOT ASSESSMENTS GENERALLY.

(A) When any expenses shall be incurred by the village upon or in respect to any separate or single lot, parcel of land or premises, which, by the provisions of this chapter, the Council is authorized to charge and collect as a single lot special assessment against the same, and which is not of that class of special assessments required to be make pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, shall be reported to the Village Council in a manner it prescribes. The accounting reported to the Council shall include a description of the lot or premises on or in respect to which the expense

was incurred, the name of the owner or person chargeable therewith, and the cost of labor or services performed. The provisions of § 33.17 of this chapter with reference to pro rata special assessment generally, and the proceedings necessary to be had before making the improvement, shall not apply to single lot assessments contemplated in this section.

(B) The Village Council, after review of the single lots assessment account, shall determine what amount or part of every such reported expense shall be charged and the premises upon which the same shall be levied as a single lot special assessment. As often as the Village Council may deem it expedient, it shall require all of the several amounts so reported and determined and the several lots or premises chargeable therewith respectively to be reported by the Village Clerk to the Village Assessor, who shall spread such amounts against the real property chargeable therewith on the next tax roll for the collection of general village taxes.

(1989 Code, § 25.180)

§ 33.19 USE FOR RECOVERY OF COST OF ABATING PUBLIC NUISANCES AND HAZARDS.

When any lot, building or structure, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes a public hazard or nuisance which is detrimental to the health or safety of the inhabitants of the village, or of those residing or habitually going near such lot, building or structure, the Council may order such hazard or nuisance abated and the cost of such abatement assessed against the lot, premises or description of real property upon which such hazard or nuisance was located as a single lot assessment.

(1989 Code, § 25.190)

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RESOLUTION NO. 04-2019

**AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 34 OF THE
VILLAGE OF PORT SANILAC CODE OF ORDINANCES
FOR THE PURPOSE OF UPDATING THE
DEPARTMENT OF PUBLIC SAFETY**

THE VILLAGE OF PORT SANILAC ORDAINS:

CHAPTER 34: PUBLIC SAFETY

Section

Department of Public Safety Services

34.01.00	Title
34.02.00	Jurisdiction and authority
34.03.00	Regulatory effect
34.04.00	Police Department - Employees and Contracted Services
34.04.01	Fire and Emergency Medical Services – Sanilac East Fire Authority
34.05.00	General functions and duties
34.06.00	Coordinator of Public Safety Services; Creation and duties
34.07.00	Certified Police Officers and Public Safety Officers; powers and duties
34.08.00	Police Oath of office and Emergency Service Personnel
34.09.00	References in code
34.10.00	Recruiting standards

Emergency Response Cost Recovery

34.25.00	Purpose
34.26.00	Definitions
34.27.00	Cost recovery authorization and approval
34.28.00	Billing and collecting assessable costs
34.29.00	Procedure for appealing assessable costs
34.30.00	Assessable costs a lien upon property
34.31.00	Other remedies
34.32.00	No limitation of liability
34.33.00	Public Safety Committee
34.34.00	Effective Date

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§ 34.01.00 TITLE

The name of this subchapter shall be the Department of Public Safety Services. (Ord. passed 9-18-2012).

§ 34.02.00 JURISDICTION AND AUTHORITY

(A) The geographic location effected by this chapter shall be all properties within the jurisdictional boundaries of the Village.

(B) This subchapter is adopted pursuant to the authority granted under the General Village Law Act, Act 3 of 1895 as amended, being MCL 61.1 et seq, as amended and adopted and incorporated into this chapter. Any conflict between this chapter and the General Law Village Act, the Village Act shall apply and prevail. (Ord. passed 9-18-2012)

§ 34.03.00 REGULATORY EFFECT

This subchapter establishes the Village Department of Public Safety Services and delegates the authority to manage the police contract services provided under contract to the Village of Port Sanilac.

§ 34.04.00 POLICE DEPARTMENT - EMPLOYEES AND CONTRACTED SERVICES

The Village establishes the Department of Public Safety Services under authority of the General Village Law Act, Public Act 255 of 1998, being MCL 70.18, as amended. Police services shall be contracted by the Department of Public Safety Services as approved by the Village Council. The Department of Public Safety Services shall provide management and oversight of the police contractor. The Department of Public Safety Services shall consist of such personnel, divisions, bureaus and offices as the Coordinator of Public Safety Services and may recommend policy, procedures and contract suggestion to the Village Council.

§ 34.04.01 FIRE AND EMERGENCY MEDICAL SERVICES - SANILAC EAST FIRE AUTHORITY

(A) (1) The Village of Port Sanilac is an incorporating municipality of the Sanilac East Fire Authority as authorized by the Emergency Services to Municipalities Act, Public Act 57 of 1988, as amended. The Village of Port Sanilac has entered into, and agreed to the Sanilac East Fire Authority, Articles of Incorporation as submitted to the State of Michigan, Office of the Great Seal on August 11, 2017 which may be amended from time to time.

(2) In accordance with the provisions of the Emergency Services to Municipalities Act, Public Act 57 of 1988, as amended, and the Sanilac East Fire Authority, Articles of Incorporation, as amended, the Village of Port Sanilac has transferred, assigned or otherwise authorized the Sanilac East Fire Authority the authority to provide fire and emergency medical services as allowed under the General Village Law Act, Act 3 of 1895 as amended.

(3) The Village of Port Sanilac acknowledges that the Sanilac East Fire Authority shall enjoy all the rights, privileges afforded under state law, and this Ordinance,

to perform the duties of the Fire Chief in and for the Village of Port Sanilac.

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(B) (1) The Department of Public Safety Services shall perform no supervisory duties for the administration, operation or personnel management of the Sanilac East Fire Authority.

(2) The Department of Public Safety Services shall perform no supervisory duties for the administration, operation or maintenance of Village of Port Sanilac leased facilities, apparatus or other equipment under lease to the Sanilac East Fire Authority.

§ 34.05.00 GENERAL FUNCTIONS AND DUTIES

The functions and duties of the Department of Public Safety Services shall coordinate services provided by police contractors and fire authorities to enforcement of laws and ordinances for the protection of life and property and the keeping of the peace and good order.

§ 34.06.00 COORDINATOR OF PUBLIC SAFETY SERVICES; CREATION AND DUTIES

(A) (1) The Office of Coordinator of the Department of Public Safety Services is hereby created. The operation, administration and control of the Department of Public Safety Services, and all matters pertaining thereto, shall be under the control and direction of the Coordinator of Public Safety Services. The Village President shall nominate and the Village Council approve the appointment of the Coordinator of Public Safety Services. The Coordinator of Public Safety Services is subject to the direction of the President and Village Council.

(2) The Coordinator of Public Safety Services shall be the operating head and manager of the Department of Public Safety Services. The Coordinator shall have control of the Department, under the supervision and direction of the Village President and/or his or her designee and shall perform such duties as may be prescribed by this chapter, any ordinances of the Village, laws of the state and such further and other duties as shall be prescribed by the Village Council within the legal authority set forth in the laws of the State of Michigan.

(3) The Coordinator of Public Safety Services shall have the power to issue such verbal or written orders, policies and procedures to police contractors and employees of the Department of Public Safety as he or she may deem proper, and it shall be the duty of the Police Officers and Public Safety Officers, and employees of said Department to fully and completely obey the Coordinator's orders, approved policies and procedures, but such orders, policies and procedures shall be in conformity of law.

(4) The Coordinator of Public Safety Services shall promulgate, subject to the approval of the Village Council, employment standards for Police Officers, Public Safety Officers and police contractual personnel. Said employment standards shall at a minimum comply with those established by the State Law Enforcement Officers' Training Council in accordance with Public Act 203 of 1965, being MCL 28.601 et seq, as amended.

(5) The Coordinator of Public Safety Services, or Police Officers, Public Safety Officers designated police contract personnel by the Director, may be in command and control of any public safety incident and shall have the authority to issue such verbal orders to any person at the scene as may be reasonably necessary to protect life and property.

(B) The Department of Public Safety Services Coordinator is the authorized to oversee notice of violations or municipal Civil Infractions by enforcement personnel, being MCL 600.8701 and the General Law Village Act, being MCL 66.2.

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**§ 34.07.00 CERTIFIED POLICE OFFICERS AND PUBLIC SAFETY OFFICERS;
POWERS AND DUTIES**

(A) Certified Police Officers and Public Safety Officers.

(1) All Police Officers and Public Safety Officers are hereby authorized to enforce the laws of the State and this subchapter of the Village, and all officers shall have the following powers and duties:

(a) To suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice in any part of the State and to apprehend any and all persons in the act of committing any offense against the laws of the State or ordinances of the Village and to take the offender forthwith before the proper court or magistrate to be dealt with for the offense;

(b) To arrest without warrant any and all persons whom they have probable cause to believe to have committed a felony, to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of a violation of the chapter of the Village or the penal laws of the State and at all times diligently and faithfully to enforce all such laws, ordinances, rules and regulations for the preservation of good order and public welfare as the Village Council may ordain;

(c) To serve all processes lawfully directed or delivered to them for service; and for such purposes officers shall have all the powers of constables, sheriffs and other peace officers and may arrest upon view and without process any person in the act of violating any ordinance of the Village or committing any offense against the laws of the State; and

(d) To have any other power or authority given to them by State law.

(2) The officers may serve and execute all process in criminal proceedings for the violation of State law and this chapter.

(3) When any person has committed or is suspected of having committed any crime or misdemeanor within the Village, or has escaped from any Village / County jail, officers shall have the same right to pursue, arrest and detain such person outside the Village limits to the extent allowed by law.

(B) Public Safety Officers. All Public Safety Officers, in conformity with this subchapter of the village and the laws of the state, shall have the following powers and duties: conduct inspections as required by law.

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C. Coordinator of Public Safety Services Department

(1) The Coordinator of the Department of Public Safety Services, or any Police Officer or Public Safety Officer designated by the Coordinator, upon request by the owner or occupant of a building or premises may enter into and upon any building or premises within the Village, for the purposes of inspection and examination thereof, together with their occupancies and contents, for discovery of the existence of a public hazard. Periodic building inspections shall be made upon issuance of an administrative search warrant for the area, to determine whether the buildings are dangerous buildings within the provisions of the section. Whenever he or she shall find any building or premises, either public or private, which for want of repairs or by reason of age or dilapidated condition, defective electrical wiring or electrical equipment, defective chimneys, defective gas conditions, defective heating apparatus, accumulation of rubbish, waste materials or inflammable substances or decorations, property or premises of be dangerous to the public peace, security or safety, he or she shall make and file a report of his or her findings with the Coordinator of Public Safety Services.

(2) The Coordinator of the Department of Public Safety Services and his or her designee shall determine to what extent such dangerous conditions or materials shall be remedied or changed, and shall serve written notice to that effect on the owner or occupant. The service of such notice may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises. Whenever it may be necessary to serve such notice upon the owner of the premises, it may be served either by delivering to and leaving with such owner a copy of the notice, or if such owner is absent from the Village, by mailing such copy to the owner's last known post office address, by registered mail.

(3) Any person who fails to comply with the provisions of a notice served pursuant to this division (C) shall be deemed responsible for a municipal civil infraction. (Ord. passed 9-18-2012) (Ord. amended 9-19-2017) Penalty, see § 10.99

§ 34.08.00 POLICE OATH OF OFFICE AND EMERGENCY SERVICE PERSONNEL

All Police Officers and Public Safety Officers shall take the constitutional oath of office after appointment, before performing any of the duties of their office. All police contract personnel shall be sworn in as law enforcement officers by their employer with proofs provided to the Village.

All Fire Fighters employed by the Sanilac East Fire Authority shall hold valid fire fighter's certification as required by the Michigan Fire Fighters Training Council or otherwise as required under the Laws of the State of Michigan. Proofs of certification shall be provided to the Village on demand.

All Medical First Responder shall be licensed under the Laws of the State of Michigan. Proofs of license shall be provided to the Village on demand.

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§ 34.09.00 REFERENCES IN CODE

(A) All references in this code or in the village ordinance to "Police Officer", or "Public Safety Officer", as may be applicable, shall mean a certified law enforcement officer unless otherwise defined. All references in the code to "Chief of Police" shall hereinafter mean the Coordinator of Public Safety Services. All references to "Police Department" shall hereinafter mean the Department of Public Safety Services.

(B) All references in this code or in the village ordinance to "firefighter", as may be applicable, shall mean a firefighter in the employ of the Sanilac East Fire Authority unless otherwise defined. All references in the code to "Chief of the Fire Department" shall hereinafter mean the employed Fire Chief of the Sanilac East Fire Authority. All references to "Fire Department" shall hereinafter mean the Sanilac East Fire Authority.

§ 34.10.00 RECRUITING STANDARDS

(A) All Police Officers recruited for service shall possess the minimum qualifications established and adopted by the State Law Enforcement Officers Training Council in accordance with Public Act 203 of 1965, being MCL 28.601 through 28.616.

(B) Additional guidelines establishing police recruiting standards may be set by the Coordinator of Public Safety Services in accordance with current police recruiting standards and the Department's policy and procedures.

EMERGENCY RESPONSE COST RECOVERY

§ 34.25.00 PURPOSE.

In order to protect the Village from extraordinary expenses resulting from the utilization of the Village resources in response to certain public safety incidents, this subchapter authorizes the imposition of charges to recover actual costs incurred by the Village in responding to such incidents to the extent allowed by law.

§ 34.26.00 DEFINITIONS

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

ASSESSABLE COSTS. Those costs for services incurred by the Village in connection with a response to a police, fire or other public emergency, including, but not limited to, the actual labor and material costs of the Village (including, without limitation, employee wages, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of transportation, costs of material disposal and costs of contracted labor) whether or not the services are provided by the Village or by a third party on behalf of the Village; service charges and interest; attorney fees, litigation costs and any costs, charges, fines or penalties to the Village imposed by any court or State or Federal governmental entities.

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§ 34.26.00 **DEFINITIONS (cont.)**

BOMB THREATS. The verbal or written threat of a bomb or other explosive device which, if discharged as threatened, would violate a Federal, State or local law.

EMERGENCY ASSISTANCE. Emergency medical, public safety, police, fire and civil defense services.

EXCESSIVE REQUESTS FOR EMERGENCY ASSISTANCE. Any request for emergency assistance made to a particular location or premises if such location or premises has requested emergency assistance more than five times in the preceding 30 days.

FALSE ALARM. Any automated or manual device designed to request or summon emergency assistance which device is activated intentionally or otherwise, in the absence of an actual need for emergency assistance. The determination that there was no actual need for emergency assistance shall be made the most senior person responding to a **FALSE ALARM**; provided, however, a **FALSE ALARM** shall not be deemed to have occurred if:

- (1) Caused by an Act of God (e.g., a lightning storm);
- (2) It originates from a motor vehicle alarm system; or
- (3) Has not occurred more frequently than three times in a calendar month of four times in a calendar year.

HAZARDOUS MATERIAL INCIDENT OR EMERGENCY. Any occurrence, incident, activity, accident or emergency where a release of hazardous materials occurs or is reasonably imminent and where the Coordinator of Public Safety Services or his or her designee has declared such activity, accident or emergency a **HAZARDOUS MATERIAL INCIDENT OR EMERGENCY**.

HAZARDOUS MATERIALS. Those elements, substances, wastes or by-products, including, but not limited to, combustible liquid, flammable gas, explosives, flammables, poisons, organic peroxides, oxidizers, pyrophorics, unstable reactive matter, water reactive matter, petroleum products, anti-freeze, polychlorinated biphenyls and asbestos, which are or are potentially harmful to the environment or human or animal life, or which pose an unreasonable or imminent risk to life, health or safety of persons or property, or to the ecological balance of the environment as determined by the Coordinator of Public Safety Services, or the senior fire official of the Sanilac East Fire Authority, in charge of the scene.

ILLEGAL FIRE. A fire set or determined to have been set in violation of a Federal, State or local law and shall include an arson fire and a fire set in violation of a no burning band or order. An **ILLEGAL FIRE** does not include an unintentional fire or fire cause by an Act of God (e.g., a lightning storm).

MOTOR VEHICLE. Any self-propelled or towed vehicle designed or used on the public streets, roads and highways to transport passengers or property which is required to be registered for use upon such public streets, roads and highways and, for the purposes hereof, all trailers or appurtenances attached to any motor vehicle.

§ 34.26.00 **DEFINITIONS (cont.)**

PUBLIC SAFETY SERVICES EMERGENCY INCIDENT.

- (1) Excessive requests for emergency assistance;
- (2) A false alarm;
- (3) A hazardous material incident or emergency;
- (4) An illegal fire;
- (5) Bomb threats;
- (6) Threats of harm to oneself or others;
- (7) A structure demolition;
- (8) A utility line failure; or
- (9) Damage to property, real or personal.

RELEASE. Any actual or threatened spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment, including, but not limited to, the air, soil, ground water and surface water.

RESPONSIBLE PARTY. Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any legal entity and his, her or their heirs, estates, successors and assigns, responsible for a public safety incident or any owner, tenant, occupant or party in control of real and personal property from which, onto which or related to which there is a public safety incident.

STRUCTURE DEMOLITION. The tearing down of a structure damaged by fire which must, in the opinion of the Coordinator of Public Safety Services or his or her designee, be promptly demolished following the fire to protect public safety.

THREATS OF HARM TO ONESELF OR OTHERS. The verbal or written threat of physical harm to oneself or another or another's property which, if carried out, would be a violation of Federal, State or local law.

UTILITY LINE FAILURE. The disabling of any transmission or service line, cable, conduit, pipeline, wire or the like used to provide, collect or transport electric, natural gas, communication or electronic signals (including, but not limited to, telephone, computer, cable television and stereo signals or electronic impulses), water or sanitary or storm sewage if the owner or party responsible for the maintenance of such utility line does not respond within one hour to a request to repair or correct such failure or negligent or intentional damage to utilities mentioned above.

§ 34.27.00 COST RECOVERY AUTHORIZATION AND APPROVAL

(A) The Village may recover all assessable costs in connection with a public safety incident from any or all responsible parties, jointly or severally to the extent allowed by law.

(B) The Coordinator of Public Safety Services or his or her designee shall determine the total assessable costs and shall in consultation with other Village personnel involved in responding to a public safety incident determine whether to assess any, all or part of such costs against any of the responsible parties. In making such determination, the following shall be considered:

- (1) The total assessable costs;
- (2) The risk the public safety incident imposed on the village, its residents and their property;
- (3) Whether there was any injury or damage to person or property;
- (4) Whether the public safety incident required evacuation;
- (5) The extent to which the public safety incident required an unusual or extraordinary use of Village personnel and equipment; and
- (6) Whether there was any damage to the environment.

(C) After consideration of the factors in division (B) immediately above, the Coordinator of Public Safety Services or his or her designee may allocate assessable costs among and between responsible parties, including allocating all or some of such costs jointly and severally against more than one responsible party regardless of whether a responsible party has other legal liability therefore or is legally at fault.

(D) If the Coordinator of Public Safety Services and or his or her designee determines not to assess all or part of assessable costs against a responsible party, such determination shall not in any way limit or extinguish the liability of the responsible party to other parties.

Statutory reference: Police and Fire Protection, see MCL 41.806a

§ 34.28.00 BILLING AND COLLECTION OF ASSESSABLE COSTS

(A) After determining to assess assessable costs against a responsible party, the Village Treasurer shall mail an itemized invoice to the responsible party at its last known address.

(B) Such invoice shall be due and payable within 30 days of the date of mailing and any amounts unpaid after such date shall bear a late payment fee equal to 1% per month or fraction thereof that the amount due and any previously imposed late payment fee remains unpaid.

(C) If a responsible party shall appeal assessable costs pursuant to § 34.29 of this chapter, such costs, if upheld, in whole or in part, shall be due and payable 30 days from the date of determination of the appeal and any late payment fees shall apply thereafter.

§ 34.29.00 PROCEDURE FOR APPEALING ASSESSABLE COSTS

(A)(1) Any responsible party who receives an invoice for assessable costs shall have an opportunity to meet with the Coordinator of Public Safety Services or his or her designee to request a modification of assessable costs.

(2) The responsible party shall request in writing such meeting within seven calendar days of the date of the invoice assessing the assessable costs.

(B)(1) If, after meeting with the Coordinator of Public Safety Services or his or her designee, the responsible party is still not satisfied, he or she may request an opportunity to meet with the Public Safety Committee to further request a modification of assessable costs.

(2) If, after meeting with the Public Safety Committee, the responsible party is still not satisfied, he or she may request an opportunity to meet with the Village Council to further request a modification of assessable costs.

(3) A responsible party who desires to appear before the Village Council must first meet with the Village President or his or her designee as provided above and shall file a written request to appear before the Village Council with the Village Clerk within seven calendar days of the date of the meeting with the Public Safety Committee.

(C) Upon receipt of such request, the Village Clerk will place the responsible party on the agenda of the next regularly scheduled Village Council meeting, which meeting is at least 14 calendar days after the date on which the responsible party files the request to appear.

(D) Any filed request to appear shall specifically identify and explain all reasons why the responsible party believes the assessed costs should be modified.

(1) Any reason, basis or argument for modification of assessable costs not set forth in the request to appear shall be deemed waived by the responsible party.

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§ 34.29.00 PROCEDURE FOR APPEALING ASSESSABLE COSTS (cont.)

(D)(2) Failure to timely file a written request to appear shall constitute a waiver of the responsible party's right to appear before the Village Council; and shall further constitute the responsible party's agreement to pay the assessable costs invoiced.

(E) After a responsible party has been given an opportunity to appear before it, the Village Council shall promptly determine whether to confirm, modify or void the payment of assessable costs invoiced.

§ 34.30.00 ASSESSABLE COSTS A LEIN UPON PROPERTY

Assessable costs assessed against a responsible party not paid when due, including late payment fees, shall constitute a lien upon real property of the responsible party in the village, from which, upon which or related to which the public safety incident occurred. Such lien shall be of the same character and effect as the lien created by village ordinance for village real property taxes and shall include accrued interest and penalties. The Village Treasurer shall, prior to March 1 of each year, certify to the Village Assessor the fact that such assessable costs are delinquent and unpaid. The Village Assessor shall then enter the delinquent amount on the next general ad valorem tax roll as a charge against the affected property, and the lien thereon shall be enforced in the same manner as provided and allowed by law for delinquent and unpaid real property taxes. (Ord. passed 9-18-2012) (Ord. amended 9-19-2017)

§ 34.31.00 OTHER REMEDIES

In addition to the remedy set forth in § 34.30 of this Chapter, the Village shall be entitled to pursue any other remedy or may institute any appropriate action or proceeding in a court of competent jurisdiction as permitted by law to collect assessable costs from a responsible party.

§ 34.32.00 NO LIMITATION OF LIABILITY

The recovery of assessable costs pursuant hereto does not limit the liability of a responsible party under applicable local, State or Federal law.

§ 34.33.00 PUBLIC SAFETY COMMITTEE

The Village Council hereby establishes a Public Safety Committee to resolve any disputes involving the Department of Public Safety Services that are not satisfactory resolved with the Coordinator of Public Safety, both internally and externally. The Public Safety Committee shall consist of three members, consisting of one member of the Village Council and two alternate members who may be resident of the Village and / or a member of another governmental entity other than the Village. The member of Village Council is assigned by the Village President and other member(s) of the Committee are appointed by the Village President and approved by the Village Council for a term of not more than one year.

§ 34.34.00 Effective Date. These Ordinance Amendments shall not take effect before the twentieth day after its passage or before the date of its publication, whichever occurs first.