

CODIFIED ORDINANCES OF SHELBY

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CODIFIED ORDINANCES OF SHELBY

PART TWO - ADMINISTRATION CODE

TITLE TWO - General Provisions

- Chap. 202. Codified Ordinances.
- Chap. 204. Official Standards.
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CHAPTER 202

Codified Ordinances

- 202.01 Designation; citation; headings.
- 202.02 Amendments and supplements; numbering.
- 202.03 Definitions and interpretation.
- 202.04 Separability.
- 202.05 Sections and ordinances repealed.
- 202.06 Exemptions from repeal.
- 202.99 General Code penalty; complicity; Municipal civil infractions.

CROSS REFERENCES

- Fines and penalties - see CHTR. Ch. VI, §2
- Recording of ordinances - see CHTR. Ch. VI, §3
- Codification of ordinances - see CHTR. Ch. VI, §3a
- Publication of ordinances; adoption of technical codes - see
CHTR. Ch. VI, §4
- Ordinances and resolutions - see ADM. Ch. 222

202.01 DESIGNATION; CITATION; HEADINGS.

(a) This volume consists of all ordinances of a general and permanent nature of the Municipality, as 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 Shelby, Michigan, 2000, 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.

(b) 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 Shelby 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 Council 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 Shelby and any and all such amendments and supplements.

(b) 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.

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 Council 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 Shelby.

(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, in which case it shall be excluded. If time is expressed in hours, the whole of Sunday shall be excluded.

(4) Conjunctions. "And" includes "or" and "or" includes "and," if the sense so requires.

(5) Council. "Council" means the legislative authority of the Municipality.

(6) County. "County" means the County of Oceana, 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.

(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) Municipality or Village. "Municipality" or "Village" means the Village of Shelby, Michigan.

(13) Number. Words in the plural include the singular and words in the singular include the plural number.

(14) 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.

(15) Ordinance. "Ordinance" means and includes any ordinance of the Municipality, including any provision of these Codified Ordinances.

(16) 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.

(17) 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.

(18) Premises. "Premises," when used as applicable to property, extends to and includes land and buildings.

(19) President. "President" means the chief executive officer of the Municipality.

(20) 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.

(21) 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 Village 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.

(22) 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.

(23) 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.

(24) Residence. "Residence" means an abode in which a person permanently resides.

(25) 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.

(26) Shall and May. "Shall" is mandatory; "may" is permissive.

(27) 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.

(28) State. "State" means the State of Michigan.

(29) 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 Village, 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.

(30) 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.

(31) Tenses. The use of any verb in the present tense includes the future.

(32) 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.

202.04 SEPARABILITY.

It is the legislative intent of Council 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 Village. 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.

202.05 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.

202.06 EXEMPTIONS FROM REPEAL.

The repeal provided for in Section 202.05 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 Council 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 Council 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 Council after the adoption of these Codified Ordinances.

202.99 GENERAL CODE PENALTY; COMPLICITY; MUNICIPAL CIVIL INFRACTIONS.

(b) General Penalty. 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 more than five hundred dollars (\$500.00) or imprisoned not more than ninety days, or both, plus court costs, 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) 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 of State law, and shall be in addition to any equitable remedy provided by 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 of State law, including the enforced removal of prohibited conditions.

(d) Complicity. Every person concerned in the commission of 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 and on conviction shall be punished as if he or she had directly committed such offense.

CHAPTER 204
Official Standards

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

Fiscal year - see CHTR. Ch. IX, §7a; S.U. & P.S. 1044.09

Village not to own stock - see CHTR. Ch. XIV, §2

Changing boundaries - see CHTR. Ch. XIV, §6

Reincorporation of villages - see CHTR. Ch. XIV, §§7 et seq.

Disincorporation of villages - see CHTR. Ch. XIV, §18a

CHAPTER 206
Boundaries

EDITOR'S NOTE: There are no sections in Chapter 206. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Boundaries of Village - see CHTR. Ch. XIV, §6

Placing property outside corporate limits - see CHTR.
Ch. XIV, §22

Boundaries of zoning districts - see P. & Z. 1266.03

CHAPTER 208
Franchises

EDITOR'S NOTE: This chapter has been established to provide a synopsis of legislation relating to the granting of franchises by the Village.

CROSS REFERENCES

Contracts for water supply - see CHTR. Ch. XI, §11
Contracts for lighting - see CHTR. Ch. XII, §8
Cable television - see B.R. & T. Ch. 810

<u>Ord. No.</u>	<u>Passage Date</u>	<u>Description</u>
65	2-28-27	To the Michigan United Light and Power Co., to supply electricity to the Village.
116	4-10-61	To the Michigan Consolidated Gas Co., to supply gas to the Village.
145	7-14-75	To Cable Vision, Inc., to operate a cable television system in the Village.
147	9-13-76	Amends Ord. 145.
171	1-10-94	To the Michigan Consolidated Gas Co., to supply gas to the Village for 30 yrs.
175	11-23-98	To Cable Vision Inc., to operate a cable television system in the Village for 3 yrs.
2009-15	8-24-09	To the Consumers Energy Company, to supply electricity to the Village for 30 yrs.

TITLE FOUR - Legislation
Chap. 220. Council.
Chap. 222. Ordinances and Resolutions.

CHAPTER 220
Council

220.01 Meetings; compensation for attendance.

CROSS REFERENCES

- Council generally - see CHTR. Ch. II, §1; Ch. V
 - Powers generally - see CHTR. Ch. VII
 - Trustees are Councilpersons - see CHTR. Ch. XIV, §5
 - Council is Board of Zoning Appeals - see P. & Z. 1264.01
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220.01 MEETINGS; COMPENSATION FOR ATTENDANCE.

(a) The President of the Village of Shelby shall receive a sum established from time to time by Council for each posted meeting actually attended by such President.

(b) Each member of the Village Council shall receive a sum established from time to time by Council for each posted meeting actually attended by such member.

(c) In no case shall such President or a member of the Village Council receive compensation for any meeting not actually attended.

(d) The provisions of this section shall become effective as to the office of President and of each member of the Village Council at the first regular meeting thereof following the passage of this section.

(Ord. 165. Passed 3-26-90; Res. 2006-01. Passed 2-27-06.)

CHAPTER 222
Ordinances and Resolutions

EDITOR'S NOTE: There are no sections in Chapter 222. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Appropriation of money - see CHTR. Ch. V, §5

Assignment of responsibilities to Manager - see CHTR. Ch. V, §8

Ordinances generally - see CHTR. Ch. VI

For Fire protection - see CHTR. Ch. X, §1

TITLE SIX - Administration

- Chap. 230. President.
- Chap. 234. Manager.
- Chap. 238. Attorney.
- Chap. 240. Village Administrator.
- Chap. 242. Clerk.
- Chap. 246. Treasurer.
- Chap. 250. Engineer.
- Chap. 254. Street Administrator.
- Chap. 258. Zoning Administrator.
- Chap. 262. Department of Public Works.
- Chap. 266. Police Department.
- Chap. 270. Fire Department.
- Chap. 278. Employees Generally.

CHAPTER 230
President

EDITOR'S NOTE: There are no sections in Chapter 230. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- President generally - see CHTR. Ch. IV, §§1 et seq.
- President of Council is President - see CHTR. Ch. V, §2
- President Pro Tempore - see CHTR. Ch. V, §3

CHAPTER 234
Manager

EDITOR'S NOTE: There are no sections in Chapter 234. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES
Manager generally - see CHTR. Ch. V, §8

CHAPTER 238
Attorney

EDITOR'S NOTE: The Village contracts periodically for the services of an attorney or firm of attorneys, designated the Village Attorney. Copies of the latest relevant legislation may be obtained, at cost, from the Village Clerk.

There are no sections in Chapter 238. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Prosecution of ordinance violations - see CHTR. Ch. VI, §6

Appropriation of private property - see CHTR. Ch. XIII

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

CHAPTER 240
Village Administrator

240.01	Establishment.	240.06	Purchasing responsibilities.
240.02	Appointment.	240.07	Dealing with employees.
240.03	Acting Village Administrator.	240.08	Severability.
240.04	Compensation.	240.09	Effective date.
240.05	Duties.		

240.01 ESTABLISHMENT.

In accordance with the authority for the appointment of a Village Administrator granted to the Village in section 2 of Chapter II and section 8 of Chapter V of 1895 PA 3, as amended, the office of Village Administrator is established.
(Ord. 2013-002. Passed 4-22-13.)

240.02 APPOINTMENT.

The President shall, with the concurrence of a majority of the Council, appoint a Village Administrator. The Council may enter into an employment contract with a Village Administrator for a period extending beyond the terms of the members of Council but not exceeding six years. An employment contract with an Administrator shall be in writing and shall specify the compensation to be paid to the Administrator, any procedure for changing compensation, any fringe benefits and any other conditions of employment. The contract shall state that the Administrator serves at the pleasure of the Council. The contract may provide for severance pay or other benefits in the event the employment of the Administrator is terminated by the Council. The Administrator shall serve at the pleasure of the Council and may be removed by a majority of the Council. The Administrator shall be selected solely on the basis of administrative and executive abilities, with special reference to training and experience.
(Ord. 2013-002. Passed 4-22-13.)

240.03 ACTING VILLAGE ADMINISTRATOR.

The President, with the concurrence of a majority of the Trustees, shall appoint or designate an Acting Administrator during a vacancy in the office of Village Administrator and shall fill the position within 180 days from the effective date of the vacancy.
(Ord. 2013-002. Passed 4-22-13.)

240.04 COMPENSATION.

The Village Administrator shall receive such compensation as the Council shall determine by resolution or ordinance.

(Ord. 2013-002. Passed 4-22-13.)

240.05 DUTIES.

(a) The Village Administrator shall be chief administrative officer of the Village and shall be responsible to the Village Council for the efficient administration of all affairs of the Village and shall exercise management supervision over all departments and over all public property belonging to the Village.

(b) The Administrator shall have the following functions and duties:

- (1) Attend and participate in all meetings of the Village Council and committees but shall not have a vote on such Council or committees;
- (2) Be responsible for personnel management and shall issue, subject to Council approval, personnel rules applicable to all Village employees. The Administrator shall have the following responsibilities:
 - A. To appoint, suspend or remove all employees subject to Council approval. The Administrator shall recommend to the Council the salary or wage for each such employee.
 - B. The Administrator shall conduct discipline up to termination within the guidelines of the Employee Handbook. Terminations will be handled with Council approval.
- (3) Exercise supervisory control over all departments, including the Police Department and the Department of Public Works;
- (4) Exercise supervisory responsibility over the accounting, budgeting, personnel, purchasing and related management functions of the Village Clerk and Village Treasurer;
- (5) Shall be authorized to attend all meetings of Village boards and commissions including the Village Planning Commission with the right to take part but shall not have a vote;
- (6) Prepare and administer the budget as provided for in the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, and any Village ordinance that may be adopted;
- (7) Be the purchasing agent of the Village. The purchasing agent will be responsible to approve all purchases within the guidelines of the Village Purchasing Policy;
- (8) Prepare and maintain written policies and procedures defining the duties and functions of the several officers and departments of the Village, subject to the approval by the Council;

- (9) Investigate all complaints concerning the administration of the Village, and shall have authority at all times to inspect the books, records and papers of any agent, employee or officer of the Village;
- (10) Make recommendations to the Council for the adoption of such measures as may be deemed necessary or expedient for the improvement or betterment of the Village; and
- (11) Perform other duties required from time to time by the Village Council.
(Ord. 2013-002. Passed 4-22-13.)

240.06 PURCHASING RESPONSIBILITIES.

(a) The Village Administrator shall act as purchasing agent for all Village offices and departments. The Administrator may delegate some or all of the duties as purchasing agent to another officer or employee provided that such delegation shall not relieve the Administrator of the responsibility for the proper conduct of those duties.

(b) The Village Administrator shall have the authority to purchase any product or service, the cost of which does not exceed two thousand dollars (\$2,000.00) of any approved budget amount, provided that all Council approved purchasing policies and procedures are followed. The cost of the product or service shall not exceed the unencumbered balance of the appropriation for that account. Any product or service the cost of which exceeds the above dollar amount shall be purchased only if prior approval of the Village Council has been obtained. The Village Administrator shall have the authority to purchase any product or service regardless of its cost when such purchase is necessitated by an emergency condition. "Emergency condition" is defined to mean any event which presents an imminent threat to the public health or safety or any event which would result in the disruption of a Village service which is essential to the public health or safety.
(Ord. 2013-002. Passed 4-22-13.)

240.07 DEALING WITH EMPLOYEES.

Neither the Council nor the Village President shall attempt to influence the employment of any person by the Village Administrator or in any way interfere in the management of departments under the jurisdiction of the Administrator. Except for the purpose of inquiry, the President and Council and its members shall deal with departments under the jurisdiction of the Village Administrator through the Administrator.
(Ord. 2013-002. Passed 4-22-13.)

240.08 SEVERABILITY.

If any portion or section of this chapter or its application to any person or circumstance shall be found to be invalid by a court, such invalidity shall not affect the validity of the remaining portions or applications.

(Ord. 2013-002. Passed 4-22-13.)

240.09 EFFECTIVE DATE.

This ordinance shall take effect 45 days after the date of its adoption, unless a petition signed by not less than 10% of the registered electors of the Village is filed with the Acting Village Clerk or Village office within such 45 days. If a petition is filed within such period of time, this ordinance shall then take effect only upon its approval at the next general or special Village election held on the question of whether the ordinance shall be approved. Notice of the delayed effect of this ordinance and the right of petition under this section shall be published separately at the same time and in the same manner as the ordinance or a notice of the ordinance is published in a local newspaper of general circulation.

(Ord. 2013-002. Passed 4-22-13.)

CHAPTER 242
Clerk

242.01	Establishment.	242.04	Compensation.
242.02	Term of office.	242.05	Acting Clerk.
242.03	Removal from office.	242.06	Duties of the Clerk.

CROSS REFERENCES

Election - see CHTR. Ch. II, §1
 Oath of office - see CHTR. Ch. II, §7
 Bond - see CHTR. Ch. II, §8
 Vacancies in office - see CHTR. Ch. II, §13
 Clerk generally - see CHTR. Ch. IV, §§5 et seq.

242.01 ESTABLISHMENT OF OFFICE.

As authorized by the General Law Village Act of 1895 PA 3, as amended and as provided in the Village Charter, Chapter II, Section 1, paragraph (3), the Village Council hereby establishes by appointment the office of the Village Clerk.
 (Ord. 8. Passed 10-9-07.)

242.02 TERM OF OFFICE.

The Village Clerk appointed by the Village Council shall serve at the pleasure of the Council.
 (Ord. 8. Passed 10-9-07.)

242.03 REMOVAL FROM OFFICE.

The Clerk shall be removed only by an affirmative vote of a majority of the members of Village Council. The action of the Village Council in removing the Clerk shall be final.
 (Ord. 8. Passed 10-9-07.)

242.04 COMPENSATION.

The Clerk shall receive such compensation as recommended by the Village Manager or President and approved by the Village Council, which shall be determined annually by resolution or contract.
 (Ord. 8. Passed 10-9-07.)

242.05 ACTING CLERK.

The Council shall by a majority vote appoint an acting Clerk during a vacancy in the office and shall make a permanent appointment within a reasonable amount of time after the effective date of the vacancy.
 (Ord. 8. Passed 10-9-07.)

242.06 DUTIES OF THE CLERK.

The Clerk shall prepare the journal or records of Council proceedings, which shall be signed by him or her, and shall sign and attest all documents as required by the Council. The Clerk shall be the keeper of all records of the Village such as but not limited to, Village owned properties, deeds, contracts, ordinances, resolutions, personnel records, all policies, payroll records and budget records. The Clerk shall supervise all staff within the Village offices and report directly to the Village Manager or the President.
(Ord. 8. Passed 10-9-07.)

CHAPTER 246
Treasurer

246.01	Establishment.	246.04	Compensation.
246.02	Term of office.	246.05	Acting Treasurer.
246.03	Removal from office.	246.06	Duties of the Treasurer.

CROSS REFERENCES

Treasurer generally - see CHTR. Ch. IV, §§9 et seq.

Audit of accounts - see CHTR. Ch. IX, §7

Delivery of certified assessment roll to - see CHTR. Ch. IX, §15

Collection of taxes - see CHTR. Ch. IX, §§16 et seq.

246.01 ESTABLISHMENT OF OFFICE.

As authorized by the General Law Village Act of 1895 PA 3, as amended and as provided in the Village Charter, Chapter II, Section 1, paragraph (3), the Village Council hereby establishes by appointment the office of the Village Treasurer.
(Ord. 2007-03. Passed 7-23-07.)

246.02 TERM OF OFFICE.

The Village Treasurer appointed by the Village Council shall serve at the pleasure of the Council.
(Ord. 2007-03. Passed 7-23-07.)

246.03 REMOVAL FROM OFFICE.

The Treasurer shall be removed only by an affirmative vote of a majority of the members of Village Council. The action of the Village Council in removing the Treasurer shall be final.
(Ord. 2007-03. Passed 7-23-07.)

246.04 COMPENSATION.

The Treasurer shall receive such compensation as recommended by the Village Manager or President and shall be determined by resolution or contract annually.
(Ord. 2007-03. Passed 7-23-07.)

246.05 ACTING TREASURER.

The Council shall by a majority vote appoint an acting Treasurer during a vacancy in the office and shall make a permanent appointment within a reasonable amount of time after the effective date of the vacancy.
(Ord. 2007-03. Passed 7-23-07.)

246.06 DUTIES OF THE TREASURER.

(a) The Treasurer shall prepare reports and have the custody of all money, bonds, other than official bonds filed with the Clerk under Chapter II of the Village Charter, mortgages, notes, leases, and evidences of value belonging to the Village.

- (1) Receive all money belonging to, and receivable by the corporation.
- (2) Keep an account of all receipts and expenditures.
- (3) Collect and keep an account of all taxes and money appropriated, raised, or received for each fund of the Village, and keep a separate account of each fund.
- (4) Pay check disbursement authorizations out of the particular fund raised for the purpose for which the disbursement was authorized.
- (5) Perform duties prescribed by this act relating to assessing property and levying taxes.

(b) The Treasurer shall report to the Clerk, the amounts received and credited to each fund, and the amount of money remaining in each fund on the day of the report. The Treasurer shall also exhibit to the Council as often and for such period as the Council shall require, a full and detailed account of the receipts and disbursements, classifying them by the funds, and the balance remaining in each fund.

(c) The Treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made. The Treasurer shall file the vouchers with the Clerk.

(d) The Treasurer shall keep all Village money in depository accounts authorized by law. The Treasurer shall not use, either directly or indirectly, the Village money, warrants, or evidences of debt for his or her own use or benefit, or that of any other person. On proof of the violation, the Village Council shall declare the office vacant and appoint a successor for the remainder of the term.

(e) The Treasurer shall report directly to the Village Manager or the President.
(Ord. 2007-03. Passed 7-23-07.)

CHAPTER 250
Engineer

EDITOR'S NOTE: The Village contracts for the services of an engineer, or firm of engineers, designated the Village Engineer, or just the Engineer, on a job-by-job basis. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk.

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

Powers of Council re public improvements; expenses;
assessment - see CHTR. Ch. VII, §12
Public improvements generally - see CHTR. Ch. VIII
Water - see S.U. & P.S. Chs. 1040, 1042, 1044
Sewers - see S.U. & P.S. Ch. 1046

CHAPTER 254
Street Administrator

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

- Defects; damage - see CHTR. Ch. VII, §7
- Streets and alleys generally - see CHTR. Ch. VII, §§12 et seq.
- Taxation - see CHTR. Ch. IX, §2
- Duty to keep streets and alleys free of obstructions - see TRAF.
420.01

CHAPTER 258
Zoning Administrator

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

Authority re Zoning Code - see P. & Z. 1262.01
Appointment - see P. & Z. 1264.02

CHAPTER 262
Department of Public Works

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

Public improvements - see CHTR. Ch. VII, §12; Ch. VIII
Department of Public Works - see CHTR. Ch. XI, §14
Engineer - see ADM. Ch. 250

CHAPTER 266
Police Department

EDITOR'S NOTE: There are no sections in Chapter 266. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Police Department - see CHTR. Ch. X, §§13 et seq.

Removal of abandoned vehicles - see TRAF. 410.05 (UTC §2.5d)

CHAPTER 270
Fire Department

EDITOR'S NOTE: The Village does not maintain a Fire Department. Fire protection is provided to the Village and its inhabitants by the Shelby-Benona Fire District. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk.

270.01 Recovery of expenses related to certain Fire Department responses.

CROSS REFERENCES

Power of Council re fire prevention and extinguishment - see CHTR. Ch. VII, § 1(m)
Fire Department - see CHTR. Ch. X, §§ 1 et seq.

270.01 RECOVERY OF EXPENSES RELATED TO CERTAIN FIRE DEPARTMENT RESPONSES.

(a) **Name.** This section shall be known and cited as Village of Shelby Ordinance for Recovery of Expenses Related to Certain Fire Department Responses.

(b) **Purpose.** This section is adopted to provide authority and a mechanism for the reimbursement of costs for certain fire and emergency services rendered by the Shelby-Benona Fire Department.

(c) **Utility Companies.** In any case where an emergency response results from an actual or possible hazard created by the construction, operation, maintenance, and/or an Act of God involving any public or private utility company (power, telephone, and/or cable) operating within the Village of Shelby, the utility company shall reimburse the Shelby-Benona Fire Department the costs and expenses incurred by the Shelby-Benona Fire Department, its agents, officers and employees.

(d) **Payment for Services.** The Fire Chief or his or her designee shall determine the total assessable costs and submit the Shelby-Benona Fire Department's bill to the responsible utility. Bills shall be sent by first class mail. All bills rendered for charges shall be payable within 30 days of the mailing of the billing.
(Ord. 2009-20. Passed 10-12-09.)

CHAPTER 278
Employees Generally

EDITOR'S NOTE: The Village enters into Agreements with representatives of various categories of Village employees, which Agreements provide for compensation, benefits and other incidents of employment. Copies of the latest relevant legislation and Agreements may be obtained, at cost, from the Clerk.

There are no sections in Chapter 278. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

- Officers generally - see CHTR. Ch. II
- Appointments - see CHTR. Ch. II, §§2, 3
- Removal from office - see CHTR. Ch. II, §9
- Vacancies in office - see CHTR. Ch. II, §§10 et seq.
- Duties of officers - see CHTR. Ch. IV

TITLE EIGHT - Boards and Commissions

Chap. 280. Development and Planning Commission.

Chap. 282. Board of Zoning Appeals.

CHAPTER 280

Development and Planning Commission

- 280.01 Establishment.
- 280.02 Membership; appointments; vacancies.
- 280.03 Chairperson; Executive Director.
- 280.04 Powers and duties.
- 280.05 Annual reports to Council.

CROSS REFERENCES

Municipal planning commissions - see M.C. L.A.

§§125.31 et seq.

Subdivision Regulations - see P. & Z. Ch. 1240

280.01 ESTABLISHMENT.

There is hereby established in and for the Village the Shelby Development and Planning Commission. (Ord. 130. Passed 3-22-71.)

280.02 MEMBERSHIP; APPOINTMENTS; VACANCIES.

(a) The Development and Planning Commission shall consist of eleven members. The Village President of the Village of Shelby and the President of the Shelby Area Chamber of Commerce shall be members of the Commission and their terms shall be fixed by their official terms of office. There shall be nine additional members to be appointed by the Village President, after consulting with the President of the Shelby Area Chamber of Commerce, with the approval of the Village Council.

(b) Each member so appointed shall serve for a term of three years, except that the terms of the initial appointees hereunder shall be staggered so that three members' terms shall expire on the second Monday of April, 1972, three members' terms shall expire on the second Monday of April, 1973, and three members' terms shall expire on the second Monday of April, 1974.

(c) All members of the Commission shall continue in such capacity until their successor has been appointed and qualified. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve for the remainder of such term.
(Ord. 130. Passed 3-22-71.)

280.03 CHAIRPERSON; EXECUTIVE DIRECTOR.

(a) The Development and Planning Commission shall elect its own Chairperson annually at its first meeting in May of each year. The Commission may appoint an Executive Director whose appointment shall be confirmed by the Village Council.

(b) The Executive Director shall serve an indefinite term of office which may be terminated at any time by the Village Council after recommendation by the Commission. The Executive Director may, with the approval of the Commission and the Village Council, receive compensation for expenses, salary or consulting fees. The Executive Director may be a member of the Commission, but in that event shall receive no compensation for salary or consulting fees.
(Ord. 130. Passed 3-22-71.)

280.04 POWERS AND DUTIES.

The Development and Planning Commission shall have the following powers and duties:

(a) To make a thorough and continuing study and investigation of the economic and industrial potential of the Village of Shelby and to engage in the encouragement and promotion of industry and commerce within the Village.

(b) To seek out and interview the management of such businesses and industries as may be interested in locating their facilities within the Village, and to promote the Village of Shelby for such purposes, in the event that, in the opinion of the Commission, such businesses and industries are of such kind and nature that they would enhance the Village of Shelby economically and culturally and would contribute to its natural expansion, growth and community development.

(c) To advise the Village Council and other interested civic organizations of its activities pertaining to the promotion and encouragement of industry within the Village, to make specific recommendations as to how the Village can participate in the encouragement and promotion of particular businesses and industries which may wish to locate in the Village, and to promote the sale of parcels of land within the Village Industrial Park to businesses and industries which ought to locate therein.

(d) To adopt rules not inconsistent with the law for its internal control and management and to hold meetings at such times and places as may be prescribed by its rules, not less frequently than monthly.

(e) To appoint a Secretary, and other officers, as may be necessary. The Secretary shall keep minutes of each meeting of the Commission, both regular and special, and shall transmit a copy of such minutes promptly thereafter to the Clerk of the Village of Shelby.

(f) To adopt a budget and to solicit funds from sources other than the Village of Shelby and to take in and disburse such funds in accordance with its rules, provided, however, that the Village may contribute to such funds if so authorized by resolution of the Village Council.

(g) To make recommendations to the Village Council in the areas of Village planning, building, housing and zoning, to conduct studies, surveys and assemble data in support of such recommendations, and to propose specific ordinances or other action as a result thereof.

(Ord. 130. Passed 3-22-71.)

280.05 ANNUAL REPORTS TO COUNCIL.

The Development and Planning Commission shall, at the first regular meeting of the Village Council held in the month of April each year, make an annual report to Council respecting its activities and an annual report of its income and disbursements for the preceding calendar year.

(Ord. 130. Passed 3-22-71.)

CHAPTER 282
Board of Zoning Appeals

EDITOR'S NOTE: Provisions relating to the Board of Zoning Appeals are codified in Chapter 1264 of the Planning and Zoning Code.

TITLE TEN - Judiciary
Chap. 290. Oceana County District Court.

CHAPTER 290
Oceana County District Court

EDITOR'S NOTE: Violations of Municipal law are prosecuted in the Oceana County District Court. Equitable remedies are pursued in courts of competent jurisdiction.

There are no sections in Chapter 290. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Courts generally - see Mich. Const. Art. 6, §§1
et seq.; M.C.L.A. §§600.101 et seq.

Powers of Court re ordinance violations - see
CHTR. Ch. VI, §6

Appeals to Circuit Court - see CHTR. Ch. VI, §10

District Courts generally - see M.C.L.A.
§§600.8101 et seq.

General Code penalty - see ADM. 202.99

Jurisdiction re abandoned vehicles - see TRAF. 410.04
(UTC §2.5e)

Duties re abandoned vehicles - see TRAF. 410.04
(UTC §2.5f)