

Chapter 2

ADMINISTRATION*

* **State Law References:** Townships generally, MCL 41.1 et seq.

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ARTICLE I.

IN GENERAL

Secs. 2-1--2-18. Reserved.

ARTICLE II.

OFFICERS AND EMPLOYEES*

* **State Law References:** Township officers generally, MCL 41.61 et seq.

DIVISION 1.

GENERALLY

Sec. 2-19. Group insurance plans; eligibility.

(a) *Eligibility.* The township establishes a group insurance plan for its officers and employees, providing for life insurance, medical, health and hospitalization insurance and other group plans as may be deemed appropriate from time to time by the township board. All persons who are elected officers or nonunion employees who are employed by the township shall be eligible for said insurance plans. Union employees shall be eligible and employer and employee contributions determined in accordance with their collective bargaining agreement. All persons who are covered for this insurance and who have at least ten years of service upon departure from the township as a covered person shall continue to receive medical, health and hospitalization and other group plans as determined by the township. Persons having attained the age of Medicare eligibility shall receive supplemental insurance at that point.

(b) *Noncoverage.* Any person desiring not to be covered by the plans or any of them shall give written notice to the township clerk of said election. If the notice is received before the person has become covered under the plan, he shall not be covered thereunder. If the notice is received after the individual has become covered, the coverage for said person under the contract shall cease as provided for in the contract. (Compiled Ords. 1990, § 12.094; Ord. of 7-15-2002; Ord. of 1-16-2006)

State Law References: Group insurance authorized, MCL 41.110b.

Secs. 2-20--2-41. Reserved.

DIVISION 2.

PENSION PLAN*

* **State Law References:** Pension plans authorized, MCL 41.110b.

Sec. 2-42. Establishment of plans.

The township hereby creates and establishes a retirement plan and insurance plan, the latter including life, health, medical, hospitalization and similar plans for the benefit of its officers and employees designated herein, and for such purposes authorizes the township supervisor and clerk to contract in the name of the township board with companies authorized to establish and administer such plans and policies within the state. (Compiled Ords. 1990, § 12.091)

Sec. 2-43. Covered persons.

The said plans created, established and contracted for under this division shall cover the following classes of officers and employees, subject to eligibility rules below:

- (1) All elected officials of the township, being all the members of the township board, the clerk, treasurer and supervisor, together with any deputies of the said officers.
- (2) All persons employed by the township, whether supervisory or nonsupervisory, who regularly work for the township as further determined by eligibility requirements below.

(Compiled Ords. 1990, § 12.092)

Sec. 2-44. Contributions, eligibility; retirement plans; retirement dates; persons desiring noncoverage.

(a) *Contributions.* The township shall annually contribute 100 percent of the premium charges and such contributions as may be determined by the township from time to time by resolution or resolutions applicable to various classifications or groups of officials, members, deputies or employees who are eligible and covered under the retirement plan. Such contributions shall be secured from the general fund of the township.

(b) *Eligibility of covered persons.* Persons covered by the retirement plan as set forth above who are employed or in office on the effective date of the township plan shall be eligible for coverage on that day provided he meets the following requirements, otherwise to be eligible on the first policy anniversary on which he meets them.

- (1) If he has completed at least 24 months of continuous employment or service with the township.
- (2) If his age at his nearest birthday is at least 18 years.
- (3) Other than elected officials, he regularly works 20 hours per week.

(c) *Eligibility of new covered persons.* Every person covered above, who becomes subsequently employed or placed in office shall be eligible on the first plan anniversary on which he meets the following requirements:

- (1) He has completed at least 24 months of continuous employment or service with the township.
- (2) His age at his nearest birthday is at least 18 years.
- (3) Other than elected officials, he regularly works 20 hours per week.

(d) *Retirement date.* The normal retirement date for an officer or employee shall be the policy or plan anniversary date nearest to the date when he attains the age of 65 years, or, if later, completion of five years of participation in the plan, provided however that an employee may elect an optional retirement date at any such anniversary date after the age of 65 years.

(e) *Noncoverage.* Any persons desiring not to be covered by the plans or any of them shall give written notice to the township clerk of said election. If the notice is received before the person has become

covered under the plan he shall not be covered thereunder. If the notice is received after the individual has become covered the coverage for said person under the contract shall cease as provided for in the contract. No person shall be eligible to participate in the plan until he has completed 24 months of continuous employment with the township.

(Compiled Ords. 1990, § 12.093)

Secs. 2-45--2-61. Reserved.

ARTICLE III.

FINANCE*

* **State Law References:** Uniform Budgeting And Accounting Act, MCL 141.421 et seq.; keeping of public moneys, MCL 129.11 et seq.; deposit of public moneys, MCL 211.43b; Revised Municipal Finance Act, MCL 141.2101 et seq.

DIVISION 1.

GENERALLY

Sec. 2-62. Fiscal year period established.

Commencing in 1979, the fiscal year of the township shall extend from July 1 of each year until June 30 of the following year.

(Compiled Ords. 1990, § 12.001)

State Law References: Fiscal year, MCL 41.72.

Secs. 2-63--2-82. Reserved.

DIVISION 2.

FIRE AND EMERGENCY SERVICE CHARGES*

* **State Law References:** Authority to collect fee for emergency police or fire services, MCL 41.806a.

Sec. 2-83. Purpose.

This division is adopted to provide reimbursement to the township for costs incurred by the township relative to certain fire and emergency services rendered by the fire department of the township.

(Compiled Ords. 1990, § 40.010)

Sec. 2-84. Charges for services.

The township shall render charges to persons or properties served by the township fire department for certain specific services for conditions described as follows:

- (1) Any fire department response to a fire started by a property owner or person, such as a controlled brush fire or other open burning, which becomes uncontrolled.
 - (2) Any fire department response to any open burning for which the fire department has been called to assist by a person or property owner starting or attending to it, whether or not the fire becomes uncontrolled.
 - (3) Any fire department response requiring containment, abatement or any safety measure in connection with a hazardous or toxic material spill or a hazardous or toxic release. Charges in such cases shall be made to the person responsible for the spill, whether or not the spill occurs on the property of the responsible party. The responsibility for a spill includes spills caused by the person as well as any spill from a vehicle, building or their instrumentality, owned, occupied or utilized by the person, regardless of fault.
 - (4) Any fire department response to a traffic or vehicular accident, including but not limited to the control of fires or spills, safety measures, traffic direction, assistance to injured persons or ambulance crews, or extraction of persons from vehicles.
 - (5) Any fire department response including an investigation of a cause of a fire or explosion or hazardous or toxic material spill or hazardous or toxic release.
 - (6) Any fire department response for hazardous conditions.
 - (7) The cost of copies for fire department reports generated for any person, except for governmental entities.
 - (8) Any fire department response to provide medical services.
 - (9) Any fire department response to a vehicle fire whether or not related to an accident.
 - (10) Any fire department response resulting in a false alarm to a property that previously incurred two false alarms in a 12-month period.
- (Compiled Ords. 1990, § 40.011; Res. No. 11062001, § 40.011, 11-6-2001)

Sec. 2-85. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fire department response means coming to the scene of a fire or spill, traffic or vehicular accident, or hazardous condition, or chemical release or explosion, or any investigation in connection with a fire, spill, accident, hazardous condition, explosion or chemical release.

Hazardous condition means downed utility lines or gas leaks or any situation that threatens life or property.

Investigation means gathering of evidence or data in connection with arson investigation, or special investigations required to determine the responsibility of persons for fires, spills, accidents or hazardous conditions or chemical release or explosion. Investigations do not include the normal investigation made after a fire necessary for the completion of an ordinary fire or incident report.

Spill means the uncontrolled deposit on the ground at any location of hazardous or toxic materials which may endanger human or animal health or life, or which may present the danger of property damage. The word "spill" includes the term "discharge."

(Compiled Ords. 1990, § 40.012; Res. No. 11062001, § 40.013, 11-6-2001)

Sec. 2-86. Exemption.

No charges shall be made against the township in connection with any responses or investigations. If incidents requiring charges occur on property owned, maintained or used by the township, charges may be made against persons who may be determined responsible for the incident, excepting township officers, employees, or volunteers.

(Compiled Ords. 1990, § 40.013)

Sec. 2-87. Responsibility for charges.

Persons responsible for charges shall include:

- (1) Persons who caused the condition.
- (2) Property owners or occupants of property upon which the conditions exist.
- (3) Owners or lessees of instrumentalities involved in the condition, such as vehicle owners, utility or gas companies.
- (4) Parties benefited by services such as parties aided in vehicular extrications, rescues, etc.
- (5) Insurers or guarantors for persons responsible or benefited.

(Res. No. 11062001, § 40.014, 11-6-2001)

Sec. 2-88. Payment for services.

The township shall bill persons or corporations determined to be responsible for the incident charged for, or owners of property, for amounts set forth in the resolution determining charges. All bills rendered for charges shall be paid within 30 days of the mailing of the billing.

(Compiled Ords. 1990, § 40.015)

Sec. 2-89. Lien upon property.

In cases where services have been rendered to a property or property owner, the charges shall constitute a lien on the said property, including both real and personal property. If not paid within 30 days after the same is due, the township treasurer shall, prior to September 1 of each year certify to the tax assessing officer of the

township the facts of such delinquency, whereupon the assessor shall enter the delinquent amount on the next general tax roll as a charge against the property, and the liens thereupon shall be enforced in the same manner as provided by law for delinquent and unpaid taxes.

(Compiled Ords. 1990, § 40.016)

Sec. 2-90. Additional methods of collection.

Notwithstanding the foregoing, the township shall be empowered to initiate proceedings in any court of competent jurisdiction to collect said service costs as a matured debt of the township.

(Compiled Ords. 1990, § 40.017)

Sec. 2-91. Charges to be determined by resolution.

Charges for fire department services enumerated above shall be determined by resolution of the township board.

(Compiled Ords. 1990, § 40.018)

Sec. 2-92. Creation and authority of fire charge review board.

(a) The township board is authorized to create and appoint a three-member fire charge review board. Board members shall serve in alternating positions. The board will meet as necessary to conduct business under its authority.

(b) The board shall have power to establish hardship applications and review such applications to make a determination if a hardship does exist. Hardships shall exist under the following reasons:

- (1) The applicant is a township resident.
- (2) The applicant does not have insurance coverage.
- (3) The applicant will face undue financial hardship.

If a hardship does exist, the board will have full authority to waive all or a portion of the fire response charge.
(Res. No. 11062001, 11-6-2001)

Secs. 2-93--2-112. Reserved.

ARTICLE IV.

MUNICIPAL CIVIL INFRACTIONS AND APPEARANCE TICKETS*

* **State Law References:** Authority to provide for municipal civil infractions, MCL 41.183; municipal civil infractions, MCL 600.8701 et seq.

Sec. 2-113. Appearance tickets; municipal civil infraction citations; municipal ordinance violation notices.

All city officers and employees are authorized to issue and serve appearance tickets and municipal civil infraction citations and municipal ordinance violation notices for violations of ordinances that they are authorized to enforce.

(Compiled Ords. 1990, §§ 12.021--12.026)

State Law References: Service of municipal civil infraction citations and municipal ordinance violation notices, MCL 600.8707; service and use of appearance tickets, MCL 764.9c.

Sec. 2-114. Municipal ordinance violations bureau.

(a) *Bureau established.* The township hereby establishes a municipal ordinance violations bureau ("bureau") as authorized under section 8396 of the Revised Judicature Act of 1961 (MCL 600.8396) to accept admissions of responsibility of municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized township officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

(b) *Location; supervision; employees; rules and regulations.* The bureau shall be located at the township hall, 5428 Apple Avenue, Muskegon, Michigan, and shall be under the supervision and control of the township treasurer. The township treasurer, subject to the approval of the township board, shall adopt rules and regulations for the operation of the bureau and appoint any necessary qualified township employees to administer the bureau.

(c) *Disposition of violations.* The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violations notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the bureau. Nothing in this chapter shall prevent or restrict the township from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.

(d) *Bureau limited to accepting admissions of responsibility.* The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.

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

(Compiled Ords. 1990, § 12.175)