

## TITLE 2: ADMINISTRATION

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### CHAPTER 20: BOARDS AND COMMISSIONS

### SECTION

- § 20.01 ESTABLISHMENT OF LOCAL OFFICERS COMPENSATION COMMISSION
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- § 20.03 TERMS OF OFFICE
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- § 20.06 COMMISSION MEETINGS

#### § 20.01 ESTABLISHMENT

There is hereby created a Local Officers Compensation Commission whose sole duty shall be to determine the salaries of each local elected official.  
(Ord. 18, passed 9-10-91)

#### §20.02 MEMBERSHIP

The Local Officers Compensation Commission shall consist of five members who are registered electors of the city and shall be appointed by the Mayor subject to confirmation by a majority of the members elected to and serving on the City Council. (Ord. 18, passed 9-10-91)

### **§ 20.03 TERMS OF OFFICE**

The terms of office shall be five years, except that of the members first appointed, one each shall be appointed for terms of one, two, three, four and five years. Members shall be appointed before October 1 of the year in which the vacancy occurs. When vacancies occur during the term, the appointment shall be for the remainder of the unexpired term. *(Ord. 18, passed 9-10-91)*

### **§ 20.04 MEMBERSHIP QUALIFICATIONS**

A member or employee of the legislative, judicial, or executive branch of government or a member of the immediate family of a member or employee of the legislative, judicial, or executive branch of government shall not be a member of the commission..  
*(Ord. 18, passed 9-10-91)*

### **§ 20.05 COMMISSION TO DETERMINE SALARY**

The Commission shall determine the salary of each local elected official. The determination shall be the salary unless the City Council, by resolution adopted by two-thirds of the members elected to and serving on the City Council, rejects it. The determination of the Commission shall be effective 30 days following its filing with the City Clerk unless rejected by the City Council. If the determination is rejected, the existing salary shall prevail.  
*(Ord. 18, passed 9-10-91)*

### **§ 20.06 COMMISSION MEETINGS**

The commission shall meet for not more than 15 session days in each odd numbered year and shall make its determination within 45 calendar days after its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members. As used in this section, "session day" means a calendar day on which the commission meets and a quorum is present. The members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

## CHAPTER 21: TAXATION

### SECTION

- § 21.01 TAX ASSESSMENT ON REAL AND PERSONAL PROPERTY
- § 21.02 PAYMENT OF CITY TAXES; LATE PENALTY
- § 21.03 SUMMER TAX COLLECTION

#### § 21.01 TAX ASSESSMENT ON REAL AND PERSONAL PROPERTY

All city taxes assessed on real and personal property within the city shall become a debt due to the city from the persons to whom assessed on the first day of July of each year.

*(Ord. 13, passed 3-12-85)*

#### § 21.02 PAYMENT OF TAXES; LATE PENALTY

All taxes paid on or before the first day of August shall be collected by the City Treasurer without additional charge. After the first day of August, a penalty of 3% shall be charged on all summer taxes remaining unpaid, and on the first day of each succeeding month, an additional 1% shall be collected on all unpaid city taxes. On February 16, an additional 3% shall be collected on all unpaid winter taxes. Such penalty charges belong to the city and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added.

*(Ord. 13, passed 3-12-85)*

#### § 21.03 TAX COLLECTION

The City Treasurer shall collect an administrative fee not to exceed limitations set by State statute which will be applied to taxes levied by other governmental units for which the city is responsible for collection.

*(Ord. 03-05, passed 6-10-03)*

## CHAPTER 22: PURCHASING

### SECTION

- § 22.01 LEGISLATIVE AUTHORITY
- § 22.02 PURCHASING AGENT
- § 22.03 PURCHASES OF CERTAIN AMOUNTS REGULATED
- § 22.04 COMPETITIVE BIDDING PROCEDURES
- § 22.05 EXCEPTIONS TO BIDDING PROCEDURES
- § 22.06 SALE OF SURPLUS CITY PROPERTY
- § 22.07 PETTY CASH
- § 22.08 MULTI-YEAR CONTRACTS
- § 22.09 ADDITIONS TO CONTRACTS
- § 22.10 ADDITIONAL PURCHASES
- § 22.11 PROFESSIONAL SERVICES

## **§ 22.01 LEGISLATIVE AUTHORITY**

Pursuant to §12.8 of the City Charter, as may be amended from time to time, all purchases and disposal of equipment, materials, services, and supplies for the City shall be made in accordance with this chapter and shall be made through the Purchasing Agent.

## **§ 22.02 PURCHASING AGENT**

The City Manager, or authorized representative, shall act as the Purchasing Agent for the City and shall be responsible for overseeing all purchases or the selling or disposing of surplus, obsolete, or worn-out equipment, materials, or supplies.

## **§ 22.03 PURCHASES OF CERTAIN AMOUNTS REGULATED**

- (A) Purchases up to \$500 may be made without prior approval of the Purchasing Agent.
- (B) Purchases between \$501 and \$10,000 shall be made with prior approval of the Purchasing Agent, preferably with the issuance of a purchase order.
- (C) Except as may be provided elsewhere in this chapter, purchases in excess of \$10,000 shall be obtained utilizing competitive bidding procedures.

## **§ 22.04 COMPETITIVE BIDDING PROCEDURES**

- (A) The Purchasing Agent shall prepare bid specifications for equipment, materials, services, or supplies to be purchased and shall advertise these specifications at least once in a newspaper of general circulation within Muskegon County. The Purchasing Agent may also directly solicit bids from potential bidders.
- (B) The bids shall be opened and read aloud by the City Clerk at the time and place specified in the published notice.
- (C) Any bid received after the time set for the opening of bids is a late bid and will be rejected unopened.
- (D) The City may require that a bid deposit or surety be submitted with the bids. The deposit or surety shall be returned to all unsuccessful bidders within 30 days of the opening date. Should the successful bidder fail to enter into a contract with the City within the time specified after written notification of the bid award, the bid deposit or surety shall be forfeited to the City.
- (E) The Purchasing Agent shall report the results of the bid opening and provide a recommendation to the City Council or Authority for the selection of the lowest, qualified bid. "Authority" refers to the Brownfield Redevelopment Authority, Local Finance Development Authority, and Tax Increment Finance Authority.
- (F) The City Council or Authority shall have the right to reject any and all bids; to waive irregularities in bidding; and to accept bids which do not conform in every respect to bidding requirements. The City Council or Authority shall award the bid to the lowest, qualified bidder unless it determines that the public interest will be better served by

accepting a higher bid. The Council or Authority shall authorize the purchase or execution of a contract to the successful bidder and the filing of any required bond. If two or more of bids are for the same price with quality and service being equal, then the bid shall be awarded to one of the tied bidders by the drawing of lots in public.

## **§ 22.05 EXCEPTIONS TO BIDDING PROCEDURES**

### **(A) EMERGENCY PURCHASES**

In the event of an emergency or extenuating circumstances where time is of the immediate essence, the City Manager is authorized to make purchases of equipment, materials, services, or supplies deemed necessary to protect the public health, safety and welfare without complying with the bidding procedures. The City Manager shall report the details of all emergency purchases to the City Council or Authority no later than its next regular meeting.

### **(B) CONTRACTS WITH OTHER GOVERNMENTAL UNITS**

Contracts with other governmental units are not subject to the provisions of this chapter but shall be approved by the City Council or Authority.

### **(C) FEDERAL AND STATE PURCHASES**

The Purchasing Agent is authorized to purchase equipment, materials, services, and supplies through the federal and state government under an extended purchase program following a competitive bid process by the federal or state government.

### **(D) SINGLE SOURCE PURCHASES**

A single source purchase is when the purchase of equipment, materials, services, or supplies is available from only one source and competitive bids are not suitable or cannot be obtained. This exception includes but is not limited to the purchase of utilities such as electricity, gas, sewer, telecommunications, and water.

## **§ 22.06 SALE OF SURPLUS CITY PROPERTY**

The Purchasing Agent is authorized to sell, exchange, or trade equipment, materials, and supplies which have become unsuitable or obsolete for City. Surplus equipment, material, and supplies shall be sold on a competitive basis to the highest bidder if the estimated value exceeds \$5,000. The sale of real property shall be done in a manner prescribed by the City Council or Authority.

## **§ 22.07 PETTY CASH**

A revolving petty cash fund will be carried in the Finance Department, which will be replenished from time to time by a blanket claim supported by receipts identified by department.

## **§ 22.08 MULTI-YEAR CONTRACTS**

The City may contract to purchase equipment, materials, services or supplies for a period exceeding one fiscal year subject to Council approved appropriations for subsequent fiscal years.

## **§ 22.09 ADDITIONS TO CONTRACTS**

The Purchasing Agent is authorized to approve change orders to contracts in any of the contract terms including but not limited to price, specifications, and completion time provided the changes are within the general scope of the original bid awarded by the City Council or Authority. Single change orders adding to the cost of the contract may not exceed \$25,000 without prior City Council or Authority approval.

## **§ 22.10 ADDITIONAL PURCHASES**

The Purchasing Agent may purchase equipment, materials, services, and supplies which are substantially identical to those previously purchased by the City without obtaining new competitive bids providing the purchase does not exceed 50% in value of the prior purchase; the purchase occurs not more than six months after the opening of the bids for the prior purchase; and the Purchasing Agent has certified in writing to the City Council or Authority that diligent inquiry as to the market price of the item being purchased has been made and that the price has not declined since the original bids were obtained.

## **§ 22.11 PROFESSIONAL SERVICES**

Professional services which are expected to exceed \$10,000 shall be secured through an evaluation and negotiation process administered by the Purchasing Agent initiated by the preparation of a "Request for Proposals" distributed to appropriate individuals, companies, and corporations. The City may retain the services of the chosen individual, company, or corporation on a continuing basis provided the Purchasing Agent is satisfied with the services provided and the costs incurred for those services.

*(Am. Ord. 20-01, passed 04-13-21)*

## CHAPTER 23: MUNICIPAL CIVIL INFRACTIONS

### SECTION

- § 23.01 DEFINITIONS
- § 23.02 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT
- § 23.03 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE
- § 23.04 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS
- § 23.05 MUNICIPAL ORDINANCE VIOLATIONS BUREAU
- § 23.06 SCHEDULE OF CIVIL FINES ESTABLISHED

#### § 23.01 DEFINITIONS

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

**ACT.** Act No. 236 of the Public Acts of 1961, as amended.

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

**BUREAU.** The City of Whitehall Municipal Ordinance Violations Bureau, as established by this chapter.

**CIVIL INFRACTION.** An act or omission that is prohibited by this code or any ordinance of the city, but which is not a crime under this code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A **CIVIL INFRACTION** is not a lesser included offense of a violation of this code that is a criminal offense.

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

**MUNICIPAL CIVIL INFRACTION VIOLATION NOTICE.** A written notice prepared by an authorized city official, directing a person to appear at the City Municipal Ordinance Violations Bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city, as authorized under Sections 8396 and 8707(6) of the Act.

*(Ord. 95-04, passed 8-8-95)*

#### § 23.02 MUNICIPAL CIVIL INFRACTION ACTION; COMMENCEMENT

A municipal infraction action may be commenced upon the issuance by an authorized city official of:

- (A) A municipal civil infraction citation directing the alleged violator to appear in court; or
- (B) A municipal civil infraction violation notice directing the alleged violator to appear at the City Municipal Ordinance Violations Bureau. *(Ord. 95-04, passed 8-8-95)*

### § 23.03 MUNICIPAL CIVIL INFRACTION CITATIONS; ISSUANCE AND SERVICE

Municipal civil infraction citations shall be issued and served by authorized city officials as follows:

- (A) The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
- (B) The place for appearance specified in a citation shall be the district court.
- (C) Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the district court. Copies of the citation shall be retained by the city and issued to the alleged violator as provided by Section 8705 of the Act.
- (D) A citation for a municipal civil infraction signed by an authorized city official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official:

*I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.*

- (E) An authorized city official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
- (F) An authorized city official may issue a citation to a person if:
  - (1) Based upon investigation the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - (2) Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction, and if the prosecuting attorney or city attorney approves in writing the issuance of the citation.
- (G) Municipal civil infraction citations shall be served by an authorized city official as follows:
  - (1) Except as provided by §23.03(G)(2) below, an authorized city official shall personally serve a copy of the citation upon the alleged violator.
  - (2) If the municipal civil infraction action involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally served upon the alleged violator, but may be served upon an owner or occupant of the land, building or structure by posting the copy of the citation or attaching the copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building, or structure at the owner's last known address. (Ord. 95-04, passed 8-8-95)



**§ 23.04 MUNICIPAL CIVIL INFRACTION CITATIONS; CONTENTS**

- (A) A municipal ordinance citation shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court, the telephone number of the court, and the time at or by which the appearance shall be made.
- (B) Further, the citation shall inform the alleged violator that he or she may do one of the following:
  - (1) Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
  - (2) Admit responsibility for the municipal civil infraction “with explanation” by mail by the time specified for appearance, or in person, or by representation.
  - (3) Deny responsibility for the municipal civil infraction by doing either of the following:
    - (a) Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the city.
    - (b) Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
- (C) The citation shall also inform the alleged violator of the following:
  - (1) That if the alleged violator desires to admit responsibility “with explanation” in person or by representation, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
  - (2) That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
  - (3) That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the city.
  - (4) That at an informal hearing, the alleged violator must appear in person before a judge or district court magistrate without the opportunity of being represented by an attorney.
  - (5) That at a formal hearing, the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
- (D) The citation shall contain a notice in boldface type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.  
(Ord. 95-04, passed 8-8-95)

## § 23.05 MUNICIPAL ORDINANCE VIOLATIONS BUREAU

- (A) *Bureau established.* The city hereby establishes a Municipal Ordinance Violations Bureau (“Bureau”) as authorized under Section 8396 of the Act to accept admissions of responsibility for municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city 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 Whitehall City Hall and shall be under the supervision and control of the City Finance Officer. The Finance Officer, subject to the approval of the City Council, shall adopt rules and regulation for the operation of the Bureau and appoint any necessary qualified city 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 which a municipal civil infraction violation 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 city 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 city officials under the same circumstances and upon the same persons as provided in §23.03(F) and (G). In addition to any other information required by this code or other ordinance, the notice of the 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.
- (F) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the Bureau and pay the specified fine and costs no later than the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- (G) *Procedure where admission of responsibility not made or fine not paid.* If an authorized city official issues and serves a municipal ordinance violation notice, and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the

schedule of fines for the violation are not paid at the Bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first-class mail upon the alleged violator at the alleged violator's last-known address. The citation filed with the court does not need to comply in all particulars with the complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.  
(Ord. 95-04, passed 8-8-95)

#### **§ 23.06 SCHEDULE OF CIVIL FINES ESTABLISHED**

A schedule of civil fines payable to the Bureau for admissions of responsibility by persons served with municipal ordinance violation notices is hereby established. The fines for violations of respective provisions of ordinances, adopted codes and the code of ordinances of the city are set forth in § 11.00.  
(Ord. 95-04, passed 8-8-95)

### **CHAPTER 24: CITY POLICIES**

#### **SECTION**

#### **§ 24.01 NON-NEGOTIABLE CHECKS**

There shall be a charge, in an amount established from time to time by Council resolution, for each check returned to the city by a bank due to a closed account or insufficient funds.  
(Ord. 00-15, passed 12-27-00)