

**CITY OF NEW BALTIMORE
MACOMB COUNTY, MICHIGAN
NOTICE OF ADOPTION
ORDINANCE NO. 182**

TO AMEND THE CITY OF NEW BALTIMORE CODE OF ORDINANCES, CHAPTER 46, SECTION 46-3 TO PROVIDE THAT IF PRIOR TO THE ADOPTION OF THE RESOLUTION AUTHORIZING THE MAKING OF PUBLIC IMPROVEMENTS, WRITTEN OBJECTIONS HAVE BEEN FILED BY THE OWNERS OF PROPERTY REQUIRED TO BEAR MORE THAN 50% OF THE COST, OR BY A MAJORITY OF OWNERS TO BE ASSESSED THAT THE AFFIRMATIVE VOTE OF 5 MEMBERS OF COUNCIL SHALL BE REQUIRED TO PROCEED; TO AMEND SECTION 46-4 TO PROVIDE THAT THE SURVEY AND REPORT ON THE FEASIBILITY OF THE SPECIAL ASSESSMENT SHALL BE PREPARED BY THE MAYOR AND THOSE DELEGATED WITH RESPONSIBILITY BY HIM AND PROVIDED TO THE CITY COUNCIL; TO AMEND 46.11 PROVIDING FOR DETERMINING THOSE ENTITLED TO NOTICE AND PROVIDING THAT NOTICE OF HEARING WILL INCLUDE STATEMENTS REGARDING APPEAL RIGHTS; AND TO AMEND SECTION 46.17 WITH REGARD TO THE NATURE AND TYPE OF NOTIFICATION SENT TO PROPERTY OWNERS INCLUDING NOTIFICATION OF APPELLATE RIGHTS, TO PROVIDE FOR REPEALER, SEVERABILITY AND EFFECTIVE DATE.

THE CITY OF NEW BALTIMORE ORDAINS:

Section 1. The following ordinance is adopted in order to promote, preserve and protect the public health, welfare and safety of the residents of the City of New Baltimore to promote and preserve the orderly development, preservation of property rights and to allocate the cost of public burdens upon properties benefited and to provide for methods and notices furnished, associated with assessing such properties in order to protect, promote and preserve public health, safety and welfare and the peace, quiet and enjoyment and of property values within the City.

Section 2. Chapter 46, Section 46-3 of the Code of Ordinances is hereby amended and revised to read as follows:

Sec. 46-3. Advisory Petitions.

The City Council may request and otherwise may receive a petition or petitions presented in support of or opposing a particular improvement to be made. Such petitions when presented shall bear the signature, printed name and address of the property owner, or owners of property. For purposes of review, such petitions may be compared to the assessment records maintained by the City for real property assessment.

If prior to the adoption of the resolution authorizing the making of public improvements pursuant to 46-7, written objections have been filed by the owners of property in the district which according to the estimates will be required to bear more than 50% of the cost thereof, or by a majority of owners of property, to be assessed, no resolution to proceed with the improvements shall be adopted except by the affirmative vote of five members of the council. Otherwise such petitions are advisory only.

Section 3. Chapter 46, Section 46-4 of the Code of Ordinances is amended and revised to read as follows:

Sec. 46-4. Preliminary Proceedings; Plans; Specifications; Survey and Report Required.

Before determining to make any improvement, any part of the cost of which is to be defrayed by special assessment, the Mayor shall conduct a survey and report and provide such information forthwith to the City Council. The Mayor may delegate responsibilities to agents and employees of the City, including the City Engineer and the survey and report shall include such plans and specifications and estimates of cost therefore as approved by the Mayor. Such plans, specifications and estimates shall be filed with the City Clerk, together with recommendations as to the proportion of cost to be paid by special assessment and the part if any, that should be a general obligation of the City; the number of installments in which assessments may be paid; the lands which should be included in the special assessment district, the projected date for commencement of construction and any other matters deemed advisable by the Mayor. After such survey and report is filed with the Clerk and made available to City Council, it shall be made available to the public for inspection.

Section 4.

Chapter 46, Section 46.11 is hereby amended and revised to read as follows:

Sec. 46-11. Notice of Hearings Required.

The City Clerk shall give notice of all public hearings held pursuant to this chapter. Notice shall be given to each owner of, or party in interest in property to be assessed, whose name appears upon the last local tax assessment records, by mailing by first class mail, addressed to that owner, or party at the address shown on the tax record, at least ten (10) days before the date of the hearing. The last local tax assessment records, means the last assessment roll for ad valorem tax purposes that has been received by the local board of review, as supplemented by any subsequent changes and the names, or addresses of the owners, or parties listed on the roll.

The Notice of Hearing shall include a statement that appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the

amount of the special assessment to the State Tax Tribunal and shall describe the manner in which an appearance and protest shall be made.

An owner or party in interest, or his or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance, or protest by letter and his or her personal appearance shall not be required.

The City Council through the Clerk, shall maintain a record of parties who appear to protest at any public hearing. If a hearing is terminated, or adjourned for the day before party is provided the opportunity to be heard, the party whose appearance was recorded, is considered to have protested the special assessment in person.

Section 5. Chapter 46, Section 46.17 is hereby amended and revised to read as follows:

Sec. 46-17. Duties of City Treasurer; Mailing of Statements.

The special assessment roll shall be transferred by the Clerk to the City Treasurer for collection immediately after its conformation. The Treasurer shall divide the assessment into installments when so ordered by the City Council. The Treasurer shall mail statements of the several assessments to the property owner, or persons responsible for payment of the ad valorem property taxes under the General Property Tax Act, stating the amount of the assessment and the manner in which it may be paid and in addition, including a statement that the owner, or any person having an interest in the real property, may file a written appeal of the special assessment with the State Tax Tribunal within thirty (30) days after the confirmation of the special assessment roll, if that special assessment was protested at the hearing held for the purpose of confirming the roll. 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.

Section 6. Repealer. All ordinances, or parts of ordinance in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 2. Severability. If any article, section, subsection, sentence, clause, phrase, or a portion of this Ordinance is held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the Ordinance, it being the intent of the city that this Ordinance shall be fully severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon adoption and publication due to the emergency nature of same.

I, Marcella Shinska, City Clerk of the City of New Baltimore, Macomb County, Michigan, do hereby certify that Ordinance No. 182 was adopted by the City Council of New Baltimore, assembled in regular session on January 23, 2012. Said Ordinance is available at City Hall and on the City's website.

Notice of said posting was published in *The Voice Newspaper* on February 1, 2012.

Marcella Shinska, City Clerk