

# THE CHARTER TOWNSHIP OF GARFIELD ORDINANCE NO. 62

Title: Financial Responsibility Ordinance

Purpose: An ordinance to collect delinquent taxes of taxing authorities and obligations to the Township and which is necessary to provide for the public peace and health and otherwise protect the public welfare of the citizens of the Charter Township of Garfield, Grand Traverse County, Michigan, by requiring delinquent personal property taxes, and other monies owed to the Township be paid as a condition of the Township exercising certain administrative or discretionary decisions.

## THE CHARTER TOWNSHIP OF GARFIELD ORDAINS:

### Section I: Title

This ordinance shall be known and cited as the Garfield Township Financial Responsibility Ordinance.

### Section II: Intent

This ordinance is intended to protect the interests of the taxing authorities and to help ensure that the Township and other governments have sufficient funds to carry out their governmental functions by requiring delinquent personal property taxes, and other monies owed to or collected by the township be paid as a condition of the township exercising certain administrative or discretionary decisions. This ordinance is also intended to avoid township taxpayers having to subsidize township activities that benefit specific persons who have elected to request a license, permit or other act or decision from the Township.

### Section III: Legal Basis

This ordinance is enacted pursuant to the statutory authority granted by the Charter Township Act, Public Act 359 of 1947, as amended (MCL 42.15 et seq.), authorizing the Township Board to adopt ordinances that provide for the public peace and health and for the safety of persons and property and by ordinance to establish the terms and the conditions upon which licenses, permits, or other matters may be granted.

### Section IV: Effect

Prior to the Township processing an application or request for an administrative act or discretionary decision that is governed by a Township ordinance or state law, the department in which the request came through shall verify and have a statement signed by the Treasurer or Deputy Treasurer that all Related Delinquencies have been paid. "Related Delinquencies" means all overdue or past due personal taxes, fees, penalties, special assessments or any other charge or assessment associated with the applicant, the land involved or the subject matter of the application. If the request or application

requires consideration at a public hearing, then the matter shall not be placed on the agenda of the appropriate public body until the Related Delinquencies have been paid.

Section V:

Applicability to Applications under the Garfield Township Zoning Ordinance when an application is received for any permit or approval required by the Garfield Township Zoning Ordinance or for the amendment of any permit or approval previously granted pursuant to that Ordinance, the Zoning Administrator shall review the application to determine whether there are any Related Delinquencies. If the Zoning Administrator determines that there are Related Delinquencies, no land use permit shall be issued to use or improve any property until such time as all Related Delinquencies have been paid in full. This Section shall not be effective unless the Garfield Township Zoning Ordinance is amended to incorporate it by reference.

Section VI: Contracts and Bid Processes

The Township shall not accept bids from nor award any contract to any individual, firm, corporation or other entity having Related Delinquencies owing to the Township. An exception will be granted if the vendor signs an agreement that proceeds from business with the township be applied first to the Related Delinquencies. After satisfying all delinquencies the remainder (if any) will be paid to the vendor.

Section VII: Construction Code

This ordinance is expressly made applicable to building permit applications and all other permissions under the Michigan Building Code, Michigan Residential Code, and the State Construction Code Act. It is expressly recognized that new construction and demolition require numerous governmental services that are tax supported.

Section VIII: Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

Section IX: Effective Date

Unless otherwise provided herein, this ordinance shall take effect upon publication following its adoption.

Moved to approve by: Jeane Blood

Seconded by: Denise Schmuckal

YEAS: Kit Wilson, Jeane Blood, chuck Korn, Denise Schmuckal

NAYS: Molly Agostinelli, Kay Schumacher, Bob Featherstone

ABSTAIN: None

ABSENT: None

I hereby certify that the foregoing was duly adopted by the Township Board of the Garfield Charter Township, Grand Traverse County, Michigan, at its regular meeting on the 24<sup>th</sup> day of August, 2010 and that 7 members of the Township Board were in attendance and 4 voted for the adoption of the Ordinance.

  
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Kay Schumacher, Clerk

The Charter Township of Garfield  
3848 Veterans Drive  
Traverse City, Michigan 49684

INTRODUCED: May 25, 2010

ADOPTED: August 24, 2010

PUBLISHED: