



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER

LOUIS H. SCHIMMEL

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Dated: April 20, 2012

ORDER NO. S-189

RE: Ordinance to amend various license expiration dates, fees, and appeal procedures

**TO: ✓ Sherikia Hawkins, City Clerk
Charles Smith, Project Manager, Wade Trim**

The Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011) in Section 17(1) empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. Section 19(1) provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: (dd) [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and 19(2) ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

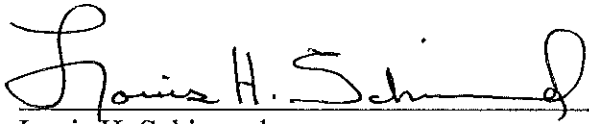
It is hereby ordered:

1. That the attached ordinance to amend Chapter 26 of the Code of Ordinances regarding certain expiration dates, fees, and appeal procedures for various licenses, being Ordinance No. 2259, is adopted, effective upon publication.
2. That the City Clerk shall take all actions required under the law to reflect the attached ordinance on the City books and records, including publication of the notice of the newly adopted ordinance.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.



Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council

Ordinance No. 2259

An ordinance to amend Chapter 26, of the Pontiac Code of Ordinances regarding certain expiration dates, fees, and appeal procedures for various licenses.

The City of Pontiac Ordains:

Section 1. Amendments.

Section 26-39 of the Code of Ordinances shall be amended to read as follows:

Sec. 26-39. - Expiration date.

- (a) The license year shall terminate at midnight, one year from the date of issuance.
- (b) The expiration date of each license shall be indicated on the face thereof.

Section 26-88 of the Code of Ordinances shall be amended to read as follows:

Sec. 26-88. - Expiration date.

- (a) The license year shall for licenses issued under this article shall terminate at midnight, one year from the date of issuance.
- (b) The expiration date of each license shall be indicated on the face thereof.

Section 26-1340 of the Code of Ordinances shall be amended to read as follows:

Sec. 26-1340. - Fees.

Fees for application for a certificate of compliance and related inspections, as required by this article, shall be established by the city council by resolution upon adoption of the annual budget and may be amended from time to time. Fees shall be payable at the time of application.

Section 26-1341 of the Code of Ordinances shall be amended to read as follows:

Sec. 26-1341. - Expiration date.

- (a) The certificate of compliance year shall terminate at midnight, three years from the date of issuance.
- (b) The expiration date of each license shall be indicated on the face thereof.

Section 26-1342 of the Code of Ordinances shall be amended to read as follows:

Sec. 26-1342. - Right to appeal; procedure.

(a) When litigation is not pending before any court of competent jurisdiction on the subject matter, any owner or person who is aggrieved with the ruling or decision of the administrator of the building and safety engineering division in any matter relative to the interpretation of the provisions of this article may appeal to the Board of Appeals upon paying the appropriate fee.

(b) The appeal provided for under subsection (a) shall be filed with the administrator of the building and safety engineering division, in writing, within 30 days of the date of the rendition of the decision of interpretation.

(c) Appeals shall be heard and decided by the Board of Appeals under this article. A hearing shall be held at a reasonable time as determined by the Board of Appeals, not more than 30 days after the appeal is filed, and may be adjourned from time to time at the discretion of the Board of Appeals.

(d) The appellant shall have right to appear in person or by agent or attorney and present any relevant, oral or documentary evidence. The administrator of the building and safety engineering division shall also have the right to present oral or documentary evidence.

(e) The city clerk or his/her duly authorized agent shall serve as secretary to the Board of Appeals under this article.

(f) At the conclusion of the hearing, a decision shall be rendered in accordance with the majority vote of the Board of Appeals present and voting.

Section 2. Repealer

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 4. Emergency Declaration

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect from the time of its adoption and publication as required by law.