

06/18/2013

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 90-69 OF CHAPTER 90, SPECIAL ASSESSMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO DISCONTINUE IMPROVEMENT PROCEEDINGS; REPEAL CONFLICTING OR INCONSISTENT ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 90-69 of Chapter 90 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 90-69. Objections to improvement.

- (a) *Notice of proposed special assessment.* After the public hearing on necessity has been held by the city council pursuant to section 90-65, the city clerk shall send notice of the proposed special assessment to all property owners within the proposed special assessment district, advising them of such proposed special assessment and of the procedure by which objections to such special assessment may be filed as provided in this section.
- (b) *Written petitions submitted.* If, after the public hearing has been held by the city council pursuant to section 90-65, there is a desire by the property owners within the limits of the proposed special assessment district to terminate the project, written petitions objecting to the proposed improvements shall be available from the city clerk's office commencing on the 14th day after the public hearing. Such petitions shall be circulated for a period not to exceed 14 days, which period shall commence on the 14th day after the public hearing. The signed petitions shall be delivered to the city clerk no later than 12:00 noon on the 28th day, or the next city business day if the offices are closed on the 28th day, immediately following the public hearing.
- (c) ~~*Basis for objection voted on by council*~~ *Discontinuation of proceedings.* The improvement shall not be made by proceedings authorized by this article ~~without a four-fifths vote of the members of the council then serving in office~~ if, within the time period for filing objections as provided for in this section, the owners of more than 50 percent of the following shall object in writing to the proposed improvement:
 - (1) The total land area;
 - (2) Front footage; or
 - (3) Number or parcels or units to be assessed, as determined by the council in a resolution adopted following the public hearing held pursuant to section 90-65.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2013, following its publication in the *Oakland Press* on _____, 2013.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2013.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2013.

Tina Barton, Clerk
City of Rochester Hills