

TIF Funding for DDA Ordinance

An ordinance to adopt a plan for tax increment financing in order to fund the Downtown Development Authority of the Charter Township of Madison.

Whereas, the Downtown Development Authority of the Charter Township of Madison (the "Authority") initially prepared and recommended for approval the Development and Tax Increment Finance Plan No. 1 on file with the Township Clerk (herein the "Plan") for the Downtown District within the Charter Township of Madison (the "Township"); and,

Whereas, on May 22, 1990, the Township Board held a public hearing on the Plan for the Authority's Downtown District pursuant to Act 197, Public Acts of Michigan, 1975, as amended (the "Act"); and,

Whereas, the Township Board has given the taxing jurisdictions in which the Downtown District is located an opportunity to meet with the Township Board and to express their views and recommendations regarding the Plan, as required by the Act.

THE CHARTER TOWNSHIP OF MADISON HEREBY ORDAINS:

Section 1. Findings

- 1.1 The development plan included in the Plan meets the requirements set forth in section 17(2) of the Act and the tax increment financing plan meets the requirements set forth in section 14(2) of the Act.
- 1.2 The proposed method of financing the development, is feasible and the Authority has the ability to arrange the financing.
- 1.3 The development is reasonable and necessary to carry out the purposes of the Act.
- 1.4 The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the Act.
- 1.5 The development plan is in reasonable accord with the master plan of the Township.
- 1.6 Public services, such as fire and police protection and utilities, are or will be adequate to service the development area.
- 1.7 Changes in zoning, streets, street levels, intersections, and utilities, to the extent

required by the Plan are reasonably necessary for the Project and for the Township.

Section 2. Public Purpose

The Township Board hereby determines that the plan constitutes a public purpose.

Section 3. Best Interest of the Public

The Township Board hereby determines that it is in the best interest of the public to halt property value deterioration increase property tax valuation, to eliminate the causes of the deterioration in property values, and to promote growth in the Downtown District to proceed with the Plan.

Section 4. Approval and Adoption of Plan

The Plan is hereby approved and adopted. The duration of the Plan shall be 24 years from the date of this Ordinance or from the date of issuance of the last series of bonds pursuant to the Plan, whichever is later, except as it may be extended by subsequent amendment of the Plan pursuant to the Act. A copy of the plan and all amendments thereto shall be maintained on file in the Township Clerk's office.

Section 5. Preparation of Base Year Assessment Roll

- 5.1 Within 60 days of the publication of this Ordinance, the Township Assessor shall prepare the initial base year assessment roll. The base year assessment roll shall list each taxing jurisdiction in the Downtown District on the effective date of this Ordinance, the initial assessed value of each parcel of property within the Downtown District, and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the Authority jurisdiction.
- 5.2 The Township Assessor shall transmit copies of the base year assessment roll to the Township Treasurer, County Treasurer, the Authority and each taxing jurisdiction, together with a notice that the base year assessment roll has been prepared in accordance with this Ordinance and the tax increment financing plan contained in the Plan approved by this Ordinance.

Section 6. Preparation of Annual Tax Increment Roll

Each year within 15 days following the final equalization of property in the downtown District, the Township Assessor shall prepare the tax increment assessment roll. The tax increment assessment roll shall show the information required in the base year assessment roll and, in addition, the amount by which the current assessed value as finally equalized for all taxable property in the Downtown District exceeds the assessed value of property as shown on the base year assessment roll (the "captured assessed value"). Copies of the annual tax increment assessment roll shall be transmitted by the assessor to the same persons as the base year assessment roll,

together with a notice that it has been prepared in accordance with the Ordinance and the Plan.

Section 7. Establishment of Project Fund; Approval of Depositary

The treasurer of the Authority shall establish a separate fund which shall be kept in a depositary bank account or accounts in a bank or banks approved by the Treasurer of the Township, to be designated Downtown Development Authority Project Fund. All moneys received by the Authority pursuant to the Plan shall be deposited in the Project Fund. All moneys in the Project Fund and earnings thereon shall be used only in accordance with the Plan.

Section 8. Payment of Tax Increments to Authority

The Township Treasurer and the County Treasurer shall, as ad valorem taxes are collected on the property in the Downtown District, pay that proportion of taxes, except for penalties and collection fees, that the captured assessed value bears to the initial assessed value to the treasurer of the Authority for deposit in the Project Fund. The payments shall be made on the date or dates on which the Township Treasurer and the County Treasurer are required to remit taxes to each of the taxing jurisdictions.

Section 9. Use of Moneys in Project Fund

The moneys credited to the Project Fund and on hand therein from time to time shall be used annually in the following manner and following order of priority:

- 9.1 First, to pay into debt retirement fund, or funds, for all outstanding series of bonds issued pursuant to the Plan, whether such bonds are issued by the Authority, the Township or other public body, and amount equal to the interest and principal coming due (in case of principal whether by maturity or mandatory redemption) prior to the next collection of taxes, less any credit for sums on hand in the debt retirement fund.
- 9.2 Second, to establish a reserve account for payment of principal of and interest on bonds issued pursuant to the Plan to the extent required by any resolution authorizing bonds.
- 9.3 Third, to pay the administrative, auditing and operating costs of the Authority and the Township pertaining to the Downtown District, including planning and promotion, to the extent provided in the annual budget of the Authority.
- 9.4 Fourth, to repay amounts advanced by the Township for project costs, including costs for preliminary plans, and fees for other professional services.
- 9.5 Fifth, to pay the cost of completing the remaining public improvements as set forth in the Development Plan to the extent those costs are not financed from other

sources.

Section 10. Annual Report

Within 90 days after the end of each fiscal year, the Authority shall submit to the Township Board, with copies to each taxing jurisdiction a report on the status of the Project Fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the amount of principal and interest on any outstanding indebtedness, the amount in any bond reserved account, the initial assessed value of the downtown District, the captured assessed value of the downtown district and the amount of captured assessed value retained by the Authority, the tax increments received and the amount of any surplus from the prior year, and any additional information requested by the Township Board or deemed appropriate by the Authority. The secretary of the Authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the Township.

Section 11. Refund of Surplus Tax Increments

Any surplus money in the Project Fund at the end of a year, as shown by the Annual report of the Authority, that is not pledged or dedicated to, or required for, the purpose set forth in the Plan and in section 9 of this Ordinance, shall be deemed surplus tax increment revenues, and shall be paid by the authority to the Township Treasurer or the County Treasurer, as shown by the annual report of the Authority, as the case may be, and rebated by each to the appropriate taxing jurisdictions.

Section 12. Conflict and Severability

All ordinances, resolutions and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed, and each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision thereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 13. Paragraph Headings

The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 14. Publication and Recordation

This Ordinance shall be published in full promptly after its adoption in the Daily Telegram, a newspaper of general circulation in the Township, qualified under State law to publish legal notices, and shall be recorded in the Ordinance Book of the Township, which recording shall be authenticated by the signatures of the Supervisor and the Township Clerk.

Section 15. Effective Date

The Ordinance is hereby determined by the Township to be immediately necessary for the preservation of the peace, health and safety of the citizens of the township and shall be in full force and effect from and after its passage and publication as required by law.

Theft and Fraud Offenses Ordinance

An ordinance to prohibit theft and fraud offenses and to establish the penalties for their commission.

THE CHARTER TOWNSHIP OF MADISON ORDAINS:

It shall be unlawful for any person to commit any of the following acts which are deemed crimes punishable as hereinafter provided:

Section 1. Larceny

A person shall not commit the offense of larceny, by stealing, converting or wrongfully withholding the property of another, including but not limited to any money, goods, chattels or services; or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate; or any book of accounts for or concerning money or goods due or to become due or to be delivered; or any deed or writing containing a conveyance of land; or any valuable contract in force; or any receipt, release or defeasance, or any writ, process or public record.

Section 2. Unlawful Procurement of Library or Literary Society Materials

A person shall not procure or take in any way from any public library or the library of any literary, scientific, historical or library society or association, whether incorporated or unincorporated, any book, pamphlet, map, chart, painting, picture, photograph, periodical, newspaper, magazine, manuscript, exhibit, disc recording, cassette or other electronic or mechanical reproduction, film, filmstrip, puzzle, puppet, and any other materials that the library may own, whether or not the materials are circulated for public use, or any part of any of the above, with intent to defraud the owner thereof, or having procured or taken any such book, pamphlet, chart, map, painting, picture, photograph, periodical, newspaper, magazine, manuscript, exhibit, disc recording, cassette or other electronic or mechanical reproduction, film, filmstrip, puzzle, puppet, and any other material that the library may own, whether or not the materials are circulated for public use, or any part thereof, to thereafter convert the same to his own use or fraudulently to deprive the owner thereof.

Section 3. Receiving Stolen Goods

- a. A person shall not buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property knowing , or having

reason to know or reason to believe, that the money, goods, or property is stolen, embezzled, or converted.

- b. A person who is a dealer in or collector of merchandise or personal property, or the agent, employee, or representative of a dealer or collector of merchandise or personal property who fails to reasonably inquire whether the person selling or delivering the stolen, embezzled, or converted property to the dealer or collector has a legal right to do so or who buys or receives stolen, embezzled, or converted property that has a registration, serial, or other identifying number altered or obliterated on an external surface of the property, is presumed to have bought or received the property knowing the property is stolen, embezzled, or converted. This presumption is rebuttable.

Section 4. Fraudulent Procurement of Food or Lodging

- a. A person shall not stop, put up, board or lodge at any boardinghouse as a guest or boarder by the day, week or month, or to procure any food, entertainment or accommodation without paying therefor, unless there is a distinct and express agreement made by such person with the owner, proprietor or keeper of such boardinghouse for credit, with intent to defraud such owner, proprietor or keeper out of the pay for such board, lodging, food, entertainment or accommodations, or for any person, with intent to so defraud to obtain credit at any boardinghouse for such board, lodging, food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto. No conviction shall be had under the provisions of this subsection unless complaint shall be made within ten (10) days of the time of the violation thereof.
- b. A person shall not put up at any hotel, motel, inn, restaurant or café as a guest or to procure any food, entertainment or accommodation without paying therefor, except when credit is given therefor by express agreement, with intent to defraud such keeper thereof out of the pay for the same, or for any person with intent to defraud such keeper out of the pay therefor to obtain credit at any hotel, motel, inn, restaurant or café for such food, entertainment or accommodation, by means of any false show of baggage or effects brought thereto. No conviction shall be had under the provisions of this subsection unless complaint is made within sixty (60) days of the time of the violation hereof.
- c. A person shall not obtain food, lodging or accommodation by false pretense or by false or fictitious show of baggage or other property, or refusal or neglect to pay therefor on demand, or payment thereof with check, draft or order upon a bank or other depository on which payment was refused, or absconding without paying or offering to pay therefor, or surreptitiously removing or attempting to remove baggage, shall be prima facie evidence of the intent to defraud mentioned in subsections (1) and (2).

Section 5. Nonsufficiently Funded Checks

- a. A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud and knowing at the time of the making, drawing, uttering, or delivering that the maker or drawer does not have sufficient funds in or credit with the bank or other depository to pay the check, draft, or order in full upon its presentation.
- b. A person shall not make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository with intent to defraud if the person does not have sufficient funds for the payment of the check, draft, or order when presentation for payment is made to the drawee. This subsection does not apply if the lack of funds is due to garnishment, attachment, levy, or other lawful cause and that fact was not known to the person when the person made, drew, uttered, or delivered the check, draft, or order.

Section 6. False Pretenses with Intent to Defraud

A person shall not, with intent to defraud or cheat, designedly, by color or any false token or writing or by any false or bogus check or other written, printed or engraved instrument, by spurious coin or metal in the similitude of coin, or by any other false pretense, cause any person to grant, convey, assign, demise, or lease any written instrument, the making whereof would be punishable as forgery, or obtain from any person any money or personal property or the use of any instrument, facility or article or other valuable thing or service, or by means of any false weights or measure obtain a larger amount or quantity or property other than was bargained for, or by means of any false weights or measures sell or dispose of a less amount or quantity or property than was bargained for, if such and/or interest in land, money, personal property, use of such instrument, facility or article, valuable thing, service, larger amount obtained or less amount disposed of shall be the value of one hundred dollars (\$100.00) or less.

Section 7. Obtaining Credit by False Device

A person shall not knowingly obtain or attempt to obtain credit, or purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious or counterfeit credit card, credit number, telephone number or other credit device, or by the use of any credit card, without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, credit number, telephone number, or other credit card, credit number or device which has been revoked and notice or revocation has been given to the person to whom issued. As used herein, the word "credit," shall mean an arrangement or understanding with the bank or depository for the payment of such check, draft, or order, in full, upon the presentation thereof for payment.

Section 8. Retail Fraud

A person shall not:

- a. Alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which merchandise is offered for sale, with the intent not to pay for the merchandise or to pay less than the full retail value.
- b. Steal merchandise of the store that is offered for sale.
- c. With intent to defraud, obtain or attempt to obtain money or property from a retail store as a refund or exchange for merchandise which was not paid for as belonging to the retail store.
- d. Remove a shopping cart from the premises of a retail store without the consent of the merchant at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart.

Section 9. Violation; Penalties

- a. Any person who commits an offense prohibited by this ordinance shall, upon conviction thereof, be guilty of a misdemeanor and subject to a penalty not to exceed \$500.00 or imprisonment in the county jail for a period not to exceed 93 days, or both such fines and imprisonment, plus the actual cost of prosecution.
- b. Any person who causes, secures, aids or abets another person to commit an offense prohibited by the ordinance may be prosecuted; and any conviction thereof shall be punished as if the person aiding and abetting had directly committed such violation.
- c. Any person who shall attempt to commit an offense prohibited by this ordinance and, in such attempt, shall do any act towards the commission of such offense, but shall fail in the perpetration or shall be intercepted or prevented in the execution of the same, shall be guilty of a misdemeanor, and subject to a penalty not to exceed \$250.00 or imprisonment in the county jail for a period not to exceed 45 days, or both such fines and imprisonment, plus the actual cost of prosecution.

Section 10. Severability

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

Section 11. Repeal and Replacement of Ordinance 20.

This ordinance repeals and replaces, in its entirety, the Retail Fraud Ordinance adopted by the Township on April 30, 1991.

Section 12. Name and Number Designation

This ordinance shall be known as the "Theft and Fraud Offenses Ordinance" and shall be designated as Ordinance 20 of the ordinances of the Charter Township of Madison.

Section 13. Publication and Effective Date

Publication of this ordinance shall be made by causing a true copy thereof to be inserted once in a newspaper circulating within the Charter Township of Madison, which insertion shall be made within thirty (30) days after its passage. This ordinance shall take effect immediately upon its publication.

Adopted: April 30, 1991
Amended: January 9, 2007
December 9, 2008
January 13, 2009

Charter Township of Madison, Ordinance No. 20