

THE FOURTH CLASS CITY ACT (EXCERPT)

Act 215 of 1895

CHAPTER XXI

SEWERS, DRAINS AND WATER-COURSES.

101.1 Construction of sewage systems; condemnation; location.

Sec. 1. The council of any city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3155;—CL 1915, 3069;—CL 1929, 1993;—CL 1948, 101.1.

101.2 Board of public works; powers, duties.

Sec. 2. The board of public works shall have the management, supervision and control of the sewers, sewerage system and drainage of the city, and the charge of their construction, subject to the general direction and approval of the council as herein provided, and the council may by ordinance prescribe the powers and duties of said board, relating to all matters connected with the sewers, sewerage system and drainage of the city.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3156;—CL 1915, 3070;—CL 1929, 1994;—CL 1948, 101.2.

101.3 Board of public works; drainage construction plan.

Sec. 3. Whenever it may become necessary, in the opinion of the council, to provide sewerage and drainage for the city or for any part thereof, it shall be their duty to instruct and direct the board of public works to devise, or cause a plan of such sewerage or drainage to be devised, for the whole city, or for such part thereof as they shall determine.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3157;—CL 1915, 3071;—CL 1929, 1995;—CL 1948, 101.3.

101.4 Board of public works; sewer districts; plats submitted to councils; adoption, filing.

Sec. 4. Such plan shall, in the discretion of the board, be formed with a view to the division of the city into main sewer districts, each to include 1 or more main or principle sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when completed, shall be submitted to the council, and when adopted by the council shall be filed in the office of the clerk of the board.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3158;—CL 1915, 3072;—CL 1929, 1996;—CL 1948, 101.4.

101.5 Main sewer districts; subdivision; special sewer districts.

Sec. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include 1 or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include 1 or more local or branch sewers, and such lands as in the opinion of the board, subject to the approval of the council, will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3159;—CL 1915, 3073;—CL 1929, 1997;—CL 1948, 101.5.

101.6 Main trunk sewers; adoption, recording.

Sec. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the board of public works to prepare diagrams, or plats thereof, which, when approved by the council, shall be recorded in the office of the clerk, in the book of sewer records.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3160;—CL 1915, 3074;—CL 1929, 1998;—CL 1948, 101.6.

101.7 Main or trunk sewers; payment of cost and expenses; assessment; taxation.

Sec. 7. The cost and expenses of establishing and making any main or trunk sewers constructed without reference to sewer districts shall be paid from the general sewer fund, excepting that portion as the council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed, and taxed in the same manner as hereinafter provided.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3161;—CL 1915, 3075;—CL 1929, 1999;—CL 1948, 101.7;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

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101.8, 101.9 Repealed. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

Compiler's note: The repealed sections pertained to diagram of sewer district, notice of intention to construct sewer, and resolution to construct sewer.

101.10 Special assessments for construction of sewers.

Sec. 10. Special assessments for the construction of sewers shall be made in the manner provided in this act for making special assessments.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3164;—CL 1915, 3078;—CL 1929, 2002;—CL 1948, 101.10;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

101.11 Construction petition; sewer districts.

Sec. 11. When the owner of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands included in the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3165;—CL 1915, 3079;—CL 1929, 2003;—CL 1948, 101.11.

101.12 Drains privately owned; regulations; expense lien.

Sec. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon in the manner hereinafter provided for the levying and collecting of special assessments.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3166;—CL 1915, 3080;—CL 1929, 2004;—CL 1948, 101.12.

101.13 Drains privately owned; connection with public sewers.

Sec. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3167;—CL 1915, 3081;—CL 1929, 2005;—CL 1948, 101.13.

101.14 Drains privately owned; annual charge, lien.

Sec. 14. The board of public works may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding 2 dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3168;—CL 1915, 3082;—CL 1929, 2006;—CL 1948, 101.14.

101.15 Improvement of ditches and water courses; special assessment.

Sec. 15. Such part of the expenses of providing ditches and improving water-courses as the council shall determine, may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3169;—CL 1915, 3083;—CL 1929, 2007;—CL 1948, 101.15.

101.16 Public sewers; repair; cost, payment.

Sec. 16. The expenses of repairing public sewers, ditches and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3170;—CL 1915, 3084;—CL 1929, 2008;—CL 1948, 101.16.

101.17 Public sewers; ordinances for protection and control.

Sec. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3171;—CL 1915, 3085;—CL 1929, 2009;—CL 1948, 101.17.

101.18 Repealed. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

Compiler's note: The repealed section pertained to borrowing to construct main or trunk sewer.