

## THE FOURTH CLASS CITY ACT (EXCERPT)

### Act 215 of 1895

#### CHAPTER XXVI

#### WATERWORKS.

##### **106.1 City waterworks; uses.**

Sec. 1. Any city incorporated or reincorporated under the provisions of this act shall have authority to purchase or construct new and to maintain and extend existing waterworks for the introduction of water into such city, and supplying the same and the inhabitants thereof with pure and wholesome water for the ordinary and extraordinary uses of the inhabitants thereof, the extinguishment of fires and for such other purposes as the council may prescribe.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3247;—CL 1915, 3165;—CL 1929, 2089;—CL 1948, 106.1.

##### **106.2 Types of waterworks; construction; maintenance.**

Sec. 2. Such city may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase, appropriate and own such grounds, real estate, rights and privileges as may be necessary and proper for the securing, construction and maintenance of such waterworks.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3248;—CL 1915, 3166;—CL 1929, 2090;—CL 1948, 106.2.

##### **106.3 Constructing, purchasing, or extending waterworks; borrowing; expenditure.**

Sec. 3. It shall be lawful for a city, subject to the provisions of this act, to borrow money to be used exclusively for the purpose of purchasing, constructing, or extending waterworks, as provided in sections 1 and 2 of this chapter. The total amount expended for constructing, purchasing, or extending such waterworks shall not exceed the estimate of expense provided for in section 4 of this chapter.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3249;—CL 1915, 3167;—CL 1929, 2091;—CL 1948, 106.3;—Am. 1969, Act 88, Eff. Mar. 20, 1970;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

##### **106.4 Constructing, purchasing, or extending waterworks; estimate of expense; special assessment.**

Sec. 4. Before any money shall be borrowed, appropriated, raised, or expended for the purchase, construction, or extension of waterworks in any city, the council shall direct the board of public works to cause to be made an estimate of the expense thereof. The council may determine to specially assess any portion of the cost of water improvements to property especially benefited thereby pursuant to this act.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3250;—CL 1915, 3168;—CL 1929, 2092;—CL 1948, 106.4;—Am. 1969, Act 88, Eff. Mar. 20, 1970;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

**Compiler's note:** For provisions of section 5 of chapter 30, referred to in this section, see MCL 110.5.

##### **106.5 Water pipes; private connections; repairs at owner's expense; permit.**

Sec. 5. The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the board of public works. All such connecting or supplying pipes shall be constructed and connected in the manner prescribed by such board.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3251;—CL 1915, 3169;—CL 1929, 2093;—CL 1948, 106.5.

##### **106.6 Establishing of water rates; annual, approval of city council; furnishing of water outside corporate limits.**

Sec. 6. The board of public works shall annually, on or before the first Monday in June, establish a scale of rates to be charged and paid for supply of water for the year next ensuing, to be called water rates, which rates shall be approved by the council and shall be appropriate to different classes of buildings in the city, with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates.

The board of public works, with the approval of the council, is hereby authorized to enter into any contract

or contracts for the sale and delivery of water without the corporate limits of the city to an amount not to exceed 25 per cent of the water furnished by said board within the corporate limits of the city. Said board is hereby authorized to prescribe such terms and conditions in any such contract as shall be agreed upon.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3252;—CL 1915, 3170;—CL 1929, 2094;—Am. 1935, Act 204, Eff. Sept. 21, 1935;—CL 1948, 106.6.

#### **106.7 Establishing waterworks; care, control ordinances.**

Sec. 7. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the waterworks and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter and the powers herein conferred in respect to the construction, management and control of such waterworks.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3253;—CL 1915, 3171;—CL 1929, 2095;—CL 1948, 106.7.

#### **106.8 Establishing waterworks; property beyond corporate limits, control.**

Sec. 8. When the council shall deem it for the public interest, such waterworks may be purchased, or may be constructed and maintained beyond the corporate limits of the city; and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county or counties in which such city is situated, and over the buildings, machinery and other property belonging to and connected with such waterworks, in the same manner and to the same extent as if they, or it, were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3254;—CL 1915, 3172;—CL 1929, 2096;—CL 1948, 106.8.

#### **106.9 Establishing waterworks; construction privileges, duties.**

Sec. 9. For the purpose of operating, constructing, maintaining or extending such waterworks, the city shall have the right to lay conduits, pipes, aqueducts or other necessary works over or under any water-course, or under and along any street, alley, lane, turnpike, road, railroad or highway within such city, but not in such manner as to obstruct the same or impede or prevent travel thereon; and the city authorities may at all times enter upon and dig up such street, alley, road or highway to lay pipes thereon, or to construct works beneath the surface thereof, but they shall cause the surface of such street, alley, road or highway to be relaid and restored to its usual state, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing and relaying water pipes upon like conditions.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3255;—CL 1915, 3173;—CL 1929, 2097;—CL 1948, 106.9.

#### **106.10 Establishing waterworks; condemnation of private property.**

Sec. 10. If it shall be necessary, in the judgment of the council, to appropriate private property either within or without the city for the construction and maintenance or for the due operation of waterworks, the right to occupy and hold the same, and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3256;—CL 1915, 3174;—CL 1929, 2098;—CL 1948, 106.10.

#### **106.11 Contract for water supply; time limitation; privileges extended to company.**

Sec. 11. The council may contract from year to year, or for a period of time not exceeding 10 years, with any person or persons, or with any duly authorized corporation, for the supplying of such city and the inhabitants thereof with water upon such terms and conditions as may be agreed, and may grant to such person, persons or corporation, the right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water for the use of such city and the inhabitants thereof upon such terms and conditions as shall be specified in such contracts.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3257;—CL 1915, 3175;—CL 1929, 2099;—CL 1948, 106.11.