

THE FOURTH CLASS CITY ACT (EXCERPT)
Act 215 of 1895

CHAPTER XXVIII
BOARD OF PUBLIC WORKS.

108.1 Board of public works; members, appointment, terms.

Sec. 1. There may be created and constituted in every city, subject to the provisions of this act, a board of public works composed of 5 members, who shall be freeholders and electors of the city and shall serve without compensation. Such board shall, as near as may be, be non-partisan, no more than 3 members to be appointed from 1 political party, and shall be appointed by the mayor, by and with the consent of the council. One member shall be appointed for the term of 1 year, 1 member for the term of 2 years, 1 member for the term of 3 years, 1 member for the term of 4 years, and 1 member for the term of 5 years from the first Monday of May next thereafter, and on the 1st Monday of May of each year thereafter, 1 member shall be appointed for the term of 5 years, unless otherwise provided in this act: Provided, That it shall not be necessary for any city having a board of public works organized under the provisions of this act to reconstruct such board, but the existing board of public works shall continue unless abolished under the provisions of sections 11 and 12 of this act.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3267;—Am. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3185;—Am. 1921, Act 282, Eff. Aug. 18, 1921;—CL 1929, 2109;—CL 1948, 108.1.

Compiler's note: For provisions of sections 11 and 12, referred to near the end of this section, see MCL 108.11 and 108.12.

108.2 Board of public works; officers, election, duties; quorum.

Sec. 2. Said board shall, within 10 days after their first appointment and annually thereafter during the month of May, organize and elect 1 of their number president. A majority of the board shall constitute a quorum for the transaction of business. The city clerk shall be ex officio clerk of said board, but shall have no vote therein. It shall be his duty to perform all the clerical labor required by said board, and he shall have charge of all its books, records, accounts and papers.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3268;—CL 1915, 3186;—CL 1929, 2110;—CL 1948, 108.2.

108.3 Board of public works; powers and duties.

Sec. 3. The said board of public works, subject to the direction of the council, is hereby charged and entrusted with the following duties, powers and responsibilities:

First, The construction, management, supervision and control of such waterworks as are or shall be owned by the city;

Second, The construction, management, supervision and control of such electric or other lighting plants as are or shall be owned by the city;

Third, The management and supervision of the sewers, sewerage system and drainage of such city, and of the construction thereof.

Fourth, Such other public improvements or works as the common council may, by ordinance, place under their management, supervision and control.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3269;—CL 1915, 3187;—CL 1929, 2111;—CL 1948, 108.3.

108.4 Board of public works; rules, by-laws, regulations.

Sec. 4. The said board shall have power to make and adopt all such by-laws, rules and regulations as they may deem necessary and expedient for the transaction of their business, not inconsistent with the ordinances of the city or the provisions of this act.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3270;—CL 1915, 3188;—CL 1929, 2112;—CL 1948, 108.4.

108.5 Board of public works; letting contracts, conditions.

Sec. 5. Whenever the expense of constructing or repairing any public work placed under the control of the board of public works shall not exceed the sum of 200 dollars, the work shall be done by such board in such manner as they may deem proper; but whenever such expense shall exceed the sum of 200 dollars, then the said board shall submit the plans, diagrams, profiles and estimates thereof to the council for their approval, and when so approved the board shall, subject to the approval of the council, cause such work to be done by contract, or otherwise in such manner as they may deem proper: Provided, That if the expense shall exceed the sum of 500 dollars, the board shall advertise for sealed proposals, and shall give such notice as the council may direct, and shall let the contract to the lowest responsible bidder who shall be deemed competent to do

the work and give adequate security for the performance thereof, which contract and security shall be approved by the council.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3271;—CL 1915, 3189;—CL 1929, 2113;—CL 1948, 108.5.

108.6 Work done by board of public works; reports to council, contents; payment of claims.

Sec. 6. All work done under the supervision of said board shall be reported to the council from time to time, and no money shall be paid out of the treasury on account of any work so done until the council shall have authorized the same and ordered the same paid by warrant drawn on the city treasurer, and all claims or accounts against the city that in any manner relate to the works in charge of such board or that have been incurred by such board shall first be submitted to and approved by the said board of public works before the council shall be authorized to order such warrant drawn. It shall be the duty of the board to make an annual report to the council on the third Monday in Apr. of each year, which report shall embrace an itemized statement of the revenues and the expenditures relating to or connected with each of the works under their control, keeping a separate account of each fund, and a statement of the condition, progress and operation of said works. They shall also make such other reports and furnish such other information to the council as that body shall by resolution or ordinance provide.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3272;—CL 1915, 3190;—CL 1929, 2114;—CL 1948, 108.6.

108.7 Reports to council; expense estimate submitted to council, time.

Sec. 7. On or before the first Monday of September, or on or before the first Monday of May in each year where the council has decided to have the taxes levied and collected in 2 installments as authorized in section 2 of chapter 30, the board of public works shall submit to the common council careful estimates in detail of the amount of money, which, according to the judgment of the board, will be needed for the waterworks fund, the light fund and the sewer fund during the ensuing year, which estimates may be increased, modified or adopted by the said common council as in its judgment may seem justifiable.

History: 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1897, Act 239, Imd. Eff. June 2, 1897;—CL 1897, 3273;—CL 1915, 3191;—CL 1929, 2115;—CL 1948, 108.7.

Compiler's note: For provisions of section 2 of chapter 30, referred to in this section, see MCL 110.2.

108.8 Moneys received; disposition; statement, filing.

Sec. 8. The board of public works shall on the first Monday of each month pay into the city treasury to the credit of the water, light, sewer or other fund, as the case may be, all moneys received by them and belonging to any such fund, and shall file a detailed statement thereof, together with the receipt of the treasurer attached thereto, with the city clerk, who shall report the filing of such statement and receipt to the council.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3274;—CL 1915, 3192;—CL 1929, 2116;—CL 1948, 108.8.

108.9 Rate charges, payment; suit.

Sec. 9. The board of public works may provide when and to whom all water and light rates, and other moneys collectible by them shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment that such water, light or sewerage connection be shut off or stopped as to any person neglecting or refusing to make such payment; and may also collect the same in an action of assumpsit on the common counts in any court of competent jurisdiction.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3275;—CL 1915, 3193;—CL 1929, 2117;—CL 1948, 108.9.

108.10 Board of public works; employment of operating personnel; appointment, compensation.

Sec. 10. The board of public works is hereby empowered, subject to the approval of the council, to employ all necessary officers, agents and employees that they may deem necessary to operate, carry on and improve all the public works and duties placed under their care and supervision, and subject to the approval of the council, to fix the salaries and compensation of such employees.

History: 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3276;—CL 1915, 3194;—CL 1929, 2118;—CL 1948, 108.10.

108.11 Board of public works abolished; procedure.

Sec. 11. The council of every city subject to the provisions of this act and the acts to which this act is amendatory, upon petition to them of 50 or more registered electors of the city praying that an election of the qualified voters of the city be called to determine whether the board of public works in the city shall be abolished, shall, by resolution, submit the question of abolishing the board of public works to the qualified electors of the city at the city election held in the month of April next following. The board of public works in

the city shall not be abolished unless a majority of the electors voting on the proposition shall by ballot so determine.

History: Add. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3195;—Am. 1921, Act 282, Eff. Aug. 18, 1921;—CL 1929, 2119;—CL 1948, 108.11;—Am. 1998, Act 149, Eff. Mar. 23, 1999.

108.12 Board abolished; powers and duties transferred to council; committee established.

Sec. 12. If at any such election, a majority of the electors voting thereon shall vote to abolish the board of public works in such city, then such board of public works shall be abolished, and all the powers, rights and privileges now exercised by or vested in said board of public works, as well as all duties and obligations imposed upon such board of public works by this act and the act of which this is amendatory, shall be vested in, exercised and assumed by the council of such city; the board of public works in such city in all things appertaining to them as such board, shall be superseded by the council, and the council may appoint a committee of its own members more particularly to perform these duties, always under the direction of the council and subject to such rules and regulations as the council may determine.

History: Add. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3196;—Am. 1921, Act 282, Eff. Aug. 18, 1921;—CL 1929, 2120;—CL 1948, 108.12.

108.13 Board of public works abolished; re-establishment procedure.

Sec. 13. In a city subject to this act, and in which the board of public works has been abolished as provided in this chapter, the council, on petition to them of 100 registered electors of the city praying for the re-establishment of the board of public works in the city, shall, by resolution, submit to the qualified electors of the city at the city election held in the month of April next following the proposition to re-establish the board of public works. If 2/3 of the electors voting on the proposition vote in favor of the board of public works, then the board of public works is re-established in the city and shall be constituted and selected in the same way and have the same qualifications, powers, and duties provided for boards of public works in the act of which this act is amendatory.

History: Add. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3197;—CL 1929, 2121;—CL 1948, 108.13;—Am. 1998, Act 149, Eff. Mar. 23, 1999.

108.14 Election of board; time, notice; form of proposition.

Sec. 14. An election under the provisions of this chapter cannot be held oftener than once in 2 years and notice of such election shall be given in the same manner and for the same length of time as is provided in the charter of such city for the calling special elections, and the vote shall be counted and canvassed and the return shall be made, and the result declared and determined in the same manner as is provided in such charter for the counting, canvassing and returning of votes, and the determining of the result thereof at special elections, and the propositions submitted shall be in the following language:

For the board of public works—Yes []

For the board of public works—No []

History: Add. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3198;—CL 1929, 2122;—CL 1948, 108.14.