

## THE FOURTH CLASS CITY ACT (EXCERPT)

### Act 215 of 1895

#### CHAPTER XXX

#### FINANCE AND TAXATION.

##### 110.1 Fiscal year.

Sec. 1. The fiscal year of cities subject to the provisions of this act shall commence on the first Monday of March in each year, or when the council has decided to have the taxes collected in 2 installments, as authorized by section 2 of chapter 30, the fiscal year shall commence on the first Monday of October of each year: Provided, That when the council shall so decide to collect the city taxes pursuant to said section 2 the next fiscal year shall continue to the first Monday of October.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1897, Act 239, Imd. Eff. June 2, 1897;—CL 1897, 3289;—CL 1915, 3211;—CL 1929, 2135;—CL 1948, 110.1.

##### 110.2 Council's power of taxation; collection; installments.

Sec. 2. The council of any such city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted.

The council of any such city shall have authority to provide by ordinance that the taxes in such city shall be levied and collected in 2 installments, 1 of which installments shall be for the general taxes, and which shall be assessed, levied and payable as provided in the general tax laws of this state, where not inconsistent with the provisions of this act; the other installment of which shall be for city taxes and shall be payable on the first day of July in each year.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1897, Act 239, Imd. Eff. June 2, 1897;—CL 1897, 3290;—CL 1915, 3212;—CL 1929, 2136;—CL 1948, 110.2.

##### 110.3 Tax revenues; division into funds.

Sec. 3. The revenues raised by general tax upon all the property in the city or by loan to be repaid by a general tax shall be divided into so many of the following general funds as are necessary:

(a) Contingent fund, for the contingent and other expenses of the city for the payment of which from some other fund no provision is made.

(b) Fire department fund, for purchasing grounds, erecting engine houses on the grounds, purchasing engines and other fire apparatus, and other expenses necessary to maintain the fire department of the city.

(c) General street fund, for opening, widening, extending, altering, vacating, grading, paving, curbing, graveling, improving, repairing, and clearing the streets, alleys, and public grounds of the city and for the construction, maintenance, and repair of sidewalks and crosswalks.

(d) General sewer fund, for sewers, drains, ditches, and drainage and for the improvement of watercourses.

(e) Bridge fund, for the construction and maintenance of bridges.

(f) Water fund, for maintaining and extending a system of waterworks, constructing reservoirs and cisterns, and providing other supplies of water.

(g) Public building fund, for providing for public buildings; for the purchase of land for public buildings; and for the erection, preservation, and repair of public buildings that the council is authorized to erect and maintain and that are not otherwise provided for in this act.

(h) Police fund, for the maintenance of the police of the city and for the arrest of or issuance of citations to persons violating the ordinances of the city and the imposition of sanctions on those persons.

(i) Cemetery fund.

(j) Interest and sinking fund, for the payment of the principal of and interest on the public debt of the city.

(k) Park fund, for the purchase of grounds for public parks and the maintenance and improvement of public parks.

(l) Light fund, for the construction, purchase, and maintenance of lights.

(m) Other funds that the council may constitute.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3291;—CL 1915, 3213;—CL 1929, 2137;—CL 1948, 110.3;—Am. 1994, Act 19, Eff. May 1, 1994.

##### 110.4 Tax money; special funds.

Sec. 4. Revenues and moneys raised by taxation in special districts of the city shall be divided into the following special funds:

First, A street district fund, for each street district,—for defraying the expenses of grading, improving,

repairing and working upon the streets therein, and for the payment of all street expenses, which the council shall charge upon the street district;

Second, A district sewer fund, for each main sewer district,—for the payment of the costs and expenses of sewers and drainage in, and chargeable to the main sewer district, when the city shall be divided into such districts;

Third, Special assessment funds; any money raised by special assessment levied in any special assessment district or special sewer district to defray the expenses of any work, paving, improvement, repairs, or drainage therein, shall constitute a special fund for the purpose for which it was raised.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3292;—CL 1915, 3214;—CL 1929, 2138;—CL 1948, 110.4.

#### **110.5 Taxes for general fund; limitation on council.**

Sec. 5. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section 3 of this chapter are constituted (exclusive of taxes for schools and school house purposes) shall not, except as herein otherwise provided, exceed in 1 year 1 1/2%.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3293;—CL 1915, 3215;—CL 1929, 2139;—CL 1948, 110.5;—Am. 1957, Act 80, Eff. Sept. 27, 1957.

#### **110.6 Tax raised in street district; purposes, limitation.**

Sec. 6. The council may also raise by tax in each street district for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any 1 year 1/4 of 1 per cent on the assessed value of the taxable real and personal property in the district.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3294;—CL 1915, 3216;—CL 1929, 2140;—CL 1948, 110.6.

#### **110.7 Special assessments; purposes; local improvements, street and drain construction.**

Sec. 7. In addition to the above amounts, the council may raise by special assessment in sewer districts and special assessment districts, for the purpose of grading, paving, curbing, graveling and otherwise improving the streets and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district according to frontage or benefits and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3295;—CL 1915, 3217;—CL 1929, 2141;—CL 1948, 110.7;—Am. 1969, Act 89, Imd. Eff. July 24, 1969.

#### **110.8 Private sewer tax.**

Sec. 8. A tax or assessment of not more than 2 dollars per year may be levied upon each lot or premises drained by a private sewer or drain leading into any public drain or sewer.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3296;—CL 1915, 3218;—CL 1929, 2142;—CL 1948, 110.8.

#### **110.9 Annual tax levy; purpose; credit for surplus moneys.**

Sec. 9. The council shall also raise annually by taxation, an amount such that the estimated collections therefrom are sufficient to promptly pay when due the interest, that portion of the principal and all required sinking fund deposits on all outstanding bonds or other evidences of indebtedness, or assessments or contract obligations in anticipation of which bonds are issued, falling due prior to the time of the following year's tax collections which tax shall be without limitation as to rate or amount and in addition to any other tax the city may be authorized to levy but shall not be in excess of the rate or amount necessary to pay the principal and interest or assessments or contract obligations. If at the time of making any annual tax levy surplus moneys are on hand for the payment of principal or interest and provision has not been made for the disposition thereof, then credit therefor may be taken upon such tax levy for principal or interest as the case may be.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3297;—CL 1915, 3219;—CL 1929, 2143;—CL 1948, 110.9;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

#### **110.10 Expense estimates of council; time, contents.**

Sec. 10. It shall be the duty of the council to cause estimates to be made in the month of September, or in the month 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 of this act, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for

the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also, to estimate the amounts that will be required to be expended from street district funds during said next fiscal year, in working upon, improving and repairing the streets in the several street districts of the city.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1897, Act 239, Imd. Eff. June 2, 1897;—CL 1897, 3298;—CL 1915, 3220;—CL 1929, 2144;—CL 1948, 110.10.

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

#### **110.11 Expense estimate of council; deficiencies; installment levies.**

Sec. 11. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessments which they required to be levied or reassessed in the next general tax rolls of the city, or upon the next city tax rolls of the city where the council have decided to have the taxes levied and collected in 2 installments as authorized in section 2 of chapter 30 of this act, upon lands in any main sewer, or special assessment district, or upon any parcel of land, or against any particular person as a special assessment.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1897, Act 239, Imd. Eff. June 2, 1897;—CL 1897, 3299;—CL 1915, 3221;—CL 1929, 2145;—CL 1948, 110.11.

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

#### **110.12 Annual appropriation bill; purpose; contents.**

Sec. 12. The council shall also in the said month of September, or in said month of May where the council has decided to have the taxes levied and paid in 2 installments as authorized in section 2 of chapter 30, pass an ordinance, to be termed the annual appropriation bill, in which they shall make provision for, and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year payable from the several general funds, and from the street district funds as estimated and determined upon, as provided in section 10 of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or with the city or July tax levy where the council has decided to have the taxes levied and collected in 2 installments, or by loans, or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections 5, 6 and 9 of this chapter, to raise by general tax during the year. The council shall specify in such ordinance the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose, and to each of the general funds and street district funds. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment, or other sum which they require to be levied or re-assessed as mentioned in section 11 of this chapter, and the disposition to be made of such moneys, and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year to be paid for in whole or in part by special assessments, and the estimated cost thereof.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1897, Act 239, Imd. Eff. June 2, 1897;—CL 1897, 3300;—CL 1915, 3222;—CL 1929, 2146;—CL 1948, 110.12.

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

#### **110.13 Taxes certified to board of supervisors and ward supervisors; manner.**

Sec. 13. All sums ordered in the annual appropriation bill, in any year to be raised for the several general funds (except in cases where the council have decided to have the taxes levied and collected in 2 installments, in which case such sums shall, by the board of review and equalization provided in section 5 of chapter 30, be apportioned on or before the fifteenth day of May, among the several wards of the city according to their assessed valuation) and all amounts reported to the council by the board of education to be raised for schools, library and schoolhouse purposes, as provided in chapter 32 of this act, shall be certified to the clerk of the board of supervisors of the county on or before the first Monday of October. All sums ordered in said bill to be levied or [re-assessed] assessed in street or sewer districts or as special assessments, and in case there is to be a July tax roll for the collection of city taxes, all sums ordered in the annual appropriation bill apportioned as aforesaid, shall, forthwith, be certified by the city clerk to the supervisors of the respective wards as provided in chapter 24, and all such sums shall be levied and collected on such July or city tax roll. If, however, there be no July or city tax or if any part of the taxes assessed and levied on the July roll are not paid, such sums shall be levied and collected with the state and county taxes next thereafter to be levied

within such city.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—Am. 1897, Act 239, Imd. Eff. June 2, 1897;—CL 1897, 3301;—CL 1915, 3223;—CL 1929, 2147;—CL 1948, 110.13.

**Compiler's note:** For provisions of section 5 of chapter 30, referred to in this section, see MCL 110.5. Chapters 32 and 24, also referred to in this section, were repealed by Act 256 of 1964 and Act 345 of 1974, respectively.

#### **110.14 Annual appropriation bill; raising of moneys after passage prohibited.**

Sec. 14. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a 2/3 vote of the electors voting upon the proposition at the next annual city election or at any special election called for that purpose. But this section shall not prohibit the council from making any necessary repairs or expenditure at a cost not to exceed 5,000 dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year or such necessity arising from an existing, evident and impending danger, and from borrowing the money therefor.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3302;—Am. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3224;—CL 1929, 2148;—CL 1948, 110.14.

#### **110.15 Improvements prohibited unless appropriation made; expenditures only from appropriations.**

Sec. 15. No improvement, work, repairs or expense, to be paid for out of any general fund, or street district fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill, nor shall any expenditure be made, or liability be incurred, in any such year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made, or money be paid out of any general, or street district fund, for any purpose, unless appropriated for that purpose in said bill.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3303;—CL 1915, 3225;—CL 1929, 2149;—CL 1948, 110.15.

#### **110.16 Improvements financed by special assessments.**

Sec. 16. Sections 14 and 15 of this chapter do not apply to appropriations, contracts, incurring of liabilities, expenditures and work in connection with any improvements financed by special assessments.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3304;—Am. 1899, Act 136, Imd. Eff. June 21, 1899;—CL 1915, 3226;—CL 1929, 2150;—CL 1948, 110.16;—Am. 1969, Act 89, Imd. Eff. July 24, 1969.

#### **110.17 Improvement before tax levy prohibited.**

Sec. 17. No public work, improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for, except from the proceeds of the tax or assessment thus levied, or from the proceeds of bonds issued in anticipation of the collection of said tax.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3305;—CL 1915, 3227;—CL 1929, 2151;—CL 1948, 110.17.

#### **110.18 Taxes and loans for capital improvements; bonds; limitation.**

Sec. 18. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year, for the purpose of the capital improvements, the council may, in its discretion, raise a part thereof by tax and a part thereof by loan and issue bonds of the city therefor: Provided, That the aggregate amount of taxes and loans so raised and made, shall not exceed the amount for which a tax might be levied for the same year.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3306;—CL 1915, 3228;—CL 1929, 2152;—CL 1948, 110.18;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

#### **110.19 Loan in anticipation of receipts from special assessments; purpose; limitation; bonds.**

Sec. 19. The council shall also have authority to raise moneys by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work. The council may issue bonds of the city for such loan, and may, in its discretion, pledge the full faith and credit of

the city for their payment. Bonds for 2 or more improvements may be consolidated in a single issue.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3307;—CL 1915, 3229;—Am. 1929, Act 53, Eff. Aug. 28, 1929;—CL 1929, 2153;—CL 1948, 110.19;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

**110.20 Tax or loan to raise greater amount; vote of electors; maximum amount; limitation on amount of indebtedness; fire, flood, or other calamity requiring emergency fund; exclusions from computation of net indebtedness; deducting resources of sinking fund; validation of bonds or contract or assessment obligations; calculating assessed value equivalent.**

Sec. 20. (1) If a greater amount is required in any year for a lawful purpose than can be raised by the council under the provisions of this chapter, the amount may be raised by tax or loan, or partly by tax and partly by loan. The amount that may be voted or raised by tax, if approved by a majority vote of the electors at an annual or special city election, in any year under the provisions of this act, shall not exceed 2% of the assessed valuation of the real and personal property in the city as shown by the last preceding tax rolls made in the city.

(2) The amount of indebtedness incurred by the issue of bonds or otherwise, including existing indebtedness, shall not exceed 10% of the assessed valuation of the real and personal property within the city subject to taxation as shown by the last preceding assessment roll of the city.

(3) In case of fire, flood, or other calamity requiring an emergency fund for the relief of the inhabitants of the city, or for the repairing or rebuilding of any of its municipal buildings, works, bridges, or streets, the council may borrow money due in not more than 3 years and in an amount not exceeding 1/4 of 1% of the assessed valuation of the city, notwithstanding the loan may increase the indebtedness of the city beyond the limitations fixed by the city charter or in this act.

(4) In computing the net indebtedness the following shall be excluded:

(a) Bonds issued in anticipation of the collection of special assessments even though they are a general obligation of the city.

(b) Motor vehicle highway fund bonds even though they are a general obligation of the city.

(c) Revenue bonds.

(d) Bonds issued or contract or assessment obligations incurred to comply with an order of the water resources commission or a court of competent jurisdiction even though they are a general obligation of the city.

(e) Obligations incurred for water supply, sewage, drainage, or refuse disposal projects necessary to protect the public health by abating pollution even though they are a general obligation of the city.

(f) Mortgage bonds which are secured only by a mortgage on the property and revenues, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the franchise; which franchise shall not extend for more than 20 years after the date of the sale of the utility and franchise on foreclosure.

(g) Bonds issued to acquire housing for which rent subsidies will be received by the city or an agency of the city under a contract with the United States government and used by the city to operate and maintain the housing and pay principal and interest on the bonds.

(5) The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of indebtedness.

(6) Bonds issued before the effective date of this subsection, or contract or assessment obligations incurred before the effective date of this subsection, are validated.

(7) In computing the net indebtedness determined under subsection (2) there may be added to the assessed value of real and personal property in a city for a fiscal year an amount equal to the assessed value equivalent of certain city revenues as determined under this subsection. The assessed value equivalent shall be calculated by dividing the sum of the following amounts by the city's millage rate for the fiscal year:

(a) The amount paid or the estimated amount required to be paid by the state to the city during the city's fiscal year for the city's use pursuant to section 13 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.913. The department of treasury shall certify the amount upon request.

(b) The amount levied by the city for its own use during the city's fiscal year from the specific tax levied under 1974 PA 198, MCL 207.551 to 207.572.

(c) The amount levied by the city for its own use during the city's fiscal year from the specific tax levied under the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3308;—CL 1915, 3230;—CL 1929, 2154;—CL 1948, 110.20;—Am. 1960, Act 17, Eff. Aug. 17, 1960;—Am. 1969, Act 88, Eff. Mar. 20, 1970;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974;—Am. 1979, Act

#### **110.21 Bonds; approval of electors required; exceptions.**

Sec. 21. Bonds shall not be issued, except special assessment bonds, bonds for the portion of the cost of local improvements to be paid by the city at large, not to exceed 40% of the cost of the improvements, bonds for capital improvements in the annual budget as provided in section 18 of this chapter, emergency bonds, and bonds which the council is authorized by specific statute to issue without vote of the electors, unless approved by a majority of the electors voting thereon at any regular or special city election. The election shall be conducted in accordance with the general laws governing the conduct of elections.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3309;—CL 1915, 3231;—CL 1929, 2155;—CL 1948, 110.21;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974.

#### **110.22 Accounting rules; moneys received.**

Sec. 22. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to 1 fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund: Provided, That moneys raised or collected in any fund for operating expense, extension or construction of any municipally owned public utility, in excess of the expenditure requirements of that utility in any year, shall not be transferred to any other fund at the close of the fiscal year, except for the payment of bonds or obligations incurred on account of that utility, or to provide for replacements or extensions of that utility.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3310;—CL 1915, 3234;—Am. 1917, Act 168, Eff. Aug. 10, 1917;—CL 1929, 2156;—CL 1948, 110.22.

#### **110.23 Moneys; procedure for disbursement.**

Sec. 23. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the council and upon the warrant of the clerk. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3311;—CL 1915, 3235;—CL 1929, 2157;—CL 1948, 110.23.

#### **110.24 Moneys; drawing upon exhausted funds; warrants on such funds declared void.**

Sec. 24. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3312;—CL 1915, 3236;—CL 1929, 2158;—CL 1948, 110.24.

#### **110.25 Loans; limitation; bonds.**

Sec. 25. Loans shall not be made by the council, or by its authority, in any year exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, subject to the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, the bonds shall be executed in a manner as the council directs. Bonds previously issued or indebtedness previously incurred by any city are hereby validated.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3313;—CL 1915, 3237;—CL 1929, 2159;—CL 1948, 110.25;—Am. 1974, Act 345, Imd. Eff. Dec. 21, 1974;—Am. 2002, Act 231, Imd. Eff. Apr. 29, 2002.

#### **110.26 Annual accounts audit by council; statement, contents.**

Sec. 26. Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund; the amount levied by special assessments and the amount collected on each; and the amount of money borrowed, and upon what time and terms, and for what purpose; also the items and amounts received from all

other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3314;—CL 1915, 3238;—CL 1929, 2160;—CL 1948, 110.26.

#### **110.27 Statement of receipts; filing, publication.**

Sec. 27. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in 1 of the newspapers of the city.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3315;—CL 1915, 3239;—CL 1929, 2161;—CL 1948, 110.27.

#### **110.28 Misappropriation of moneys; penalty.**

Sec. 28. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and, on conviction, may be punished by fine not exceeding 1,000 dollars, or by imprisonment in the state prison for a period not exceeding 3 years, or both, in the discretion of the court.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3316;—CL 1915, 3240;—CL 1929, 2162;—CL 1948, 110.28.

#### **110.29 Repealed. 1974, Act 345, Imd. Eff. Dec. 21, 1974.**

**Compiler's note:** The repealed section pertained to bonds.