

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.539 Land especially benefited by drain projects; special assessment; resolution; preparation of special assessment roll; conduct of proceedings; objections; hearing in lieu of meeting; use of special assessment collections; reduction of annual levy; charges.

Sec. 539. (1) Subject to the requirements of section 538a, if the legislative body of a public corporation, which has been assessed under this chapter, determines that a part of the lands in the public corporation will be especially benefited by the drain project to the extent of a portion of the amount assessed under this chapter, the legislative body may cause that portion of the assessment under this chapter to be specially assessed, according to benefits, against the especially benefited lands if the special assessment method of financing is not inconsistent with local financing policy for similar drains and sewers. The special assessment shall be made under the statutory or charter provisions governing special assessments in the public corporation to the extent applicable. The special assessment proceedings may be initiated by resolution of the governing body of the public corporation without petition, after compliance with section 538a, and a petition or written objection in opposition to the levying of special assessments shall be advisory only and shall not require a petition for the project, except as otherwise provided in section 538a.

(2) After determining by resolution to proceed, the legislative body shall cause a special assessment roll to be prepared. After the special assessment roll is prepared, the proceedings with respect to the special assessment roll and the making and collection of the special assessments shall be conducted pursuant to the statute or charter governing special assessments in the public corporation. However, the total assessment may be divided into not more than 30 installments, and a person assessed, at the hearing upon the special assessment roll, may object to the special assessment district previously established by the public corporation. Due consideration shall be given to the objections. A hearing held under this section shall not take the place of a meeting required under section 538a unless notice is prepared and mailed in the manner prescribed by section 538a.

(3) If a special assessment is levied, all collections from the special assessment shall be used towards the payment of the assessment at large against the public corporation. Each annual levy made for the payment of the assessment at large shall be reduced by the amount of money then on hand from special assessment collections available for this use.

(4) This section shall not be construed to prevent the assessing of public corporations at large under this chapter. In place of or in addition to levying special assessments, the public corporation, under the same conditions and for the same purpose, may exact connection, readiness to serve, availability, or service charges to be paid by owners of land directly or indirectly connected with the drain project, or combination of projects, subject to section 489a.

History: Add. 1957, Act 37, Imd. Eff. May 14, 1957;—Am. 1965, Act 253, Imd. Eff. July 21, 1965;—Am. 1979, Act 135, Eff. Mar. 27, 1980.

Popular name: Act 40