

CHAPTER 115. FOURTH CLASS CITIES

LEGALIZATION OF SEWER BONDS

Act 4 of 1911

AN ACT legalizing sewer bonds heretofore attempted to be authorized by cities of the fourth class under or pursuant to the provisions of sections 3308, 3309 and 3313 of the Compiled Laws of Michigan of 1897.

History: 1911, Act 4, Imd. Eff. Feb. 27, 1911.

The People of the State of Michigan enact:

115.1 Sewer bonds of fourth class cities; legalization.

Sec. 1. All sewer bonds heretofore attempted to be authorized by any city of the fourth class, under or pursuant to the provisions of sections 3308, 3309 and 3313 of the Compiled Laws of Michigan of 1897, are hereby declared to be when issued legal and binding obligations of said city: Provided, That the proposition to make the loan represented wholly or in part by such bonds received the affirmative votes of 2/3 of the electors voting upon the question at an election actually held in said city, pursuant to 10 days' notice, notwithstanding any informalities in the ordinance or resolution submitting such proposition to a vote of the electors, and notwithstanding any defects in the publication of said ordinance or resolution, or failure to post copies of such ordinance or resolution as required by said section 3309, or any defects in the notice of the time and place or places of holding such election or of the purpose and object thereof: Provided further, That the amount of the loan represented wholly or in part by said bonds does not exceed the limit imposed by said section 3308.

History: 1911, Act 4, Imd. Eff. Feb. 27, 1911;—CL 1915, 3232;—CL 1929, 2219;—CL 1948, 115.1.

Compiler's note: For provisions of sections 3308, 3309, and 3313, referred to in this section, see MCL 110.20, 110.21, and 110.25, respectively.

115.2 Declaration of necessity.

Sec. 2. This act is immediately necessary for the preservation of the public health, and is therefore hereby ordered to take immediate effect.

History: 1911, Act 4, Imd. Eff. Feb. 27, 1911;—CL 1915, 3233;—CL 1929, 2220;—CL 1948, 115.2.

VALIDATION OF SPECIAL ASSESSMENTS
Act 324 of 1919

AN ACT to validate certain sewer, paving and other special assessments attempted to be authorized by cities of the fourth class under or pursuant to chapter 24 of Act No. 215 of the Public Acts of 1895, as amended, said act being sections 2872 to 3295, inclusive, of the Compiled Laws of 1915.

History: 1919, Act 324, Eff. Aug. 14, 1919.

The People of the State of Michigan enact:

115.11 Special assessments of fourth class cities; validation.

Sec. 1. All sewer, paving and other special assessments heretofore attempted to be authorized by any city of the fourth class, under or pursuant to the provisions of chapter 24 of Act No. 215 of the Public Acts of 1895, as amended, the amounts of which special assessments are according to such attempted authorizations to be divided into not more than 10 installments, 1 of which it is proposed shall be collected each year, are hereby declared to be confirmed by the common council, a valid lien upon the respective lot or parcel of land assessed; the provisions of section 3122 of the Compiled Laws of Michigan of 1915 notwithstanding: Provided, That the proposition to authorize any such special assessments has been submitted to the electors of the city at any election duly and legally held and has received the affirmative vote of at least 2/3 of the electors voting thereon.

History: 1919, Act 324, Eff. Aug. 14, 1919;—CL 1929, 2221;—CL 1948, 115.11.

Compiler's note: Chapter 24 of Act 215 of 1895, referred to in this section, was repealed by Act 345 of 1974. Section 3122, referred to in this section, was also repealed by Act 345 of 1974.

REPRESENTATION ON BOARD OF SUPERVISORS
Act 391 of 1913

AN ACT relating to the representation on the board of supervisors from certain cities of the fourth class.

History: 1913, Act 391, Eff. Aug. 14, 1913.

The People of the State of Michigan enact:

115.21 Representation on board of supervisors; cities not exceeding 350 inhabitants.

Sec. 1. Whenever it shall appear upon a census being taken as provided for hereinafter, that the total population of any city, whether such city has been incorporated by virtue of a local act or acts, or under the general laws of the state relating to the incorporation of cities, does not exceed 350 inhabitants, actually residing therein, such city shall not be entitled thereafter to more than 1 representative on the board of supervisors of the county in which such city is located, the provisions of any general law heretofore passed or any local act having application to such city, or the county in which located, to the contrary notwithstanding.

History: 1913, Act 391, Eff. Aug. 14, 1913;—CL 1915, 3344;—CL 1929, 2222;—CL 1948, 115.21.

115.22 Representation on board of supervisors; new census, petition; procedure.

Sec. 2. Whenever there is reason to believe that the population of any city of the class named in section 1 hereof has been reduced to less than 350 bona fide inhabitants, any member of the board of supervisors of the county in which such city is located may petition the circuit court jurisdiction for the appointment of a suitable person to take a census of such city. A copy of such petition shall be served upon the mayor of such city at least 5 days before such petition shall come on to be heard by the circuit judge of such circuit, together with a copy of an order to show cause why such census should not be taken, which in all such cases shall be issued by the judge having jurisdiction thereof, and returnable not later than 15 days from the date of the issuance thereof. Upon the return of such order to show cause, any resident of such city or county shall be entitled to be heard either in support of or as opposed to the taking of such census. If satisfied on such hearing that there is good reason to believe that the population of such city is less than 350 bona fide inhabitants, it shall be the duty of the circuit judge to direct the county clerk of such county to appoint a resident elector of the county, not a resident of such city, to enumerate the inhabitants of such city. Such enumeration shall be taken within 30 days after such appointment has been made and accepted.

History: 1913, Act 391, Eff. Aug. 14, 1913;—CL 1915, 3345;—CL 1929, 2223;—CL 1948, 115.22.

115.23 Enumerator; duties.

Sec. 3. It shall be the duty of the enumerator so appointed to enumerate all the inhabitants of such city by wards, and to visit each house or dwelling and to obtain the names of every known resident of each ward: Provided, That in the taking of such enumeration no one shall be counted who is not at the time of the taking of such census a bona fide and actual resident of such city. Upon completing such enumeration, it shall be the duty of the person so appointed to make a return in triplicate of such enumeration, showing the names of the inhabitants of such city by wards to the county clerk.

History: 1913, Act 391, Eff. Aug. 14, 1913;—CL 1915, 3346;—CL 1929, 2224;—CL 1948, 115.23.

115.24 Enumerator; compensation.

Sec. 4. Any enumerator so appointed shall receive for his services a sum not exceeding 3 dollars per day for the time actually and necessarily spent in the preparation, taking and completing his work, which sum, together with his actual and necessary expenses, shall be paid by the county in the same manner as other claims are paid.

History: 1913, Act 391, Eff. Aug. 14, 1913;—CL 1915, 3347;—CL 1929, 2225;—CL 1948, 115.24.

115.25 Representation by mayor.

Sec. 5. Whenever it shall appear as provided for herein that a city is only entitled to 1 representative on the board of supervisors, such city shall thenceforth be represented on said board by the mayor, who shall thereupon be vested with all the powers and duties of a member of the board of supervisors of such county.

History: 1913, Act 391, Eff. Aug. 14, 1913;—CL 1915, 3348;—CL 1929, 2226;—CL 1948, 115.25.

115.26 Petition; no filing fee; validity; prosecutor, services without expense.

Sec. 6. For any proceeding taken under this act, the person filing the petition therein shall not be required to pay any fee to the county clerk, and no costs shall be taxed in such case. No petition shall be deemed

invalid for want of technical preparation, and the supervisor presenting the same shall be entitled to the services of the prosecuting attorney of the county, without expense.

History: 1913, Act 391, Eff. Aug. 14, 1913;—CL 1915, 3349;—CL 1929, 2227;—CL 1948, 115.26.