

CHAPTER 33: BUDGET, FINANCE, AND TAXATION

Public Improvements

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Cross-reference:

Contracts, see Charter §§ 5.27 et seq.

Budget, finance, and taxation, see Charter Ch. VI

Special assessments, see Charter Ch. VII

Borrowing powers, see Charter Ch. VIII

Statutory reference:

Special assessment hearings, additional state law requirements, see M.C.L.A. §§ 211.741 et seq.

PUBLIC IMPROVEMENTS

§ 33.01 CHARTER PROVISIONS UNAFFECTED.

Nothing contained in this subchapter shall be deemed to supersede, amend, alter or otherwise conflict with the provisions of the Charter as set forth regarding special assessments. (Ord. 6, passed 6-1-64)

Cross-reference:

Special assessments, see Charter Ch. VII

§ 33.02 AUTHORITY OF CITY COUNCIL; COSTS OF IMPROVEMENTS.

The City Council shall have the power to make any public improvements allowed by law to be made within the city and to determine whether the whole or any part of the cost thereof shall be defrayed by special assessment against the property especially benefited thereby. The cost of engineering services, all expenses incident to the proceedings for the making of the improvement and the financing thereof, not to exceed one year's interest on any bonds to be issued to defray the cost thereof, shall be deemed to be a part of the cost of the improvement.

(Ord. 6, passed 6-1-64)

§ 33.03 IMPROVEMENTS WITHIN HIGHWAY RIGHT-OF-WAY.

No improvement shall be made within the right-of-way of a highway under the jurisdiction of the State Highway Commission or the Board of County Road Commissioners without written approval of the State Highway Commissioner or the Board of County Road Commissioners as the case may be.

(Ord. 6, passed 6-1-64)

§ 33.04 NOTICE AND HEARING ON IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Whenever the City Council, by majority vote thereof, determines that a public improvement should be made, it shall cause to be prepared by a registered engineer plans showing the improvement and the location thereof and an estimated cost thereof. On receipt of such plans and estimate, the City Council shall order the same to be filed with the City Clerk, and if it shall desire to proceed further with the public improvement, it shall by resolution tentatively declare its intention to make such improvement as a public necessity and tentatively designate the special assessment district against which all or a part of the cost of said public improvement is to be assessed. The City Council shall then fix a time and place when and where it will meet and hear any objection to the making of the public improvement, and to the special assessment district to be assessed therefor, and shall cause notice of such hearing to be given by publication thereof twice prior to such hearing in a newspaper having general circulation in the city, the first publication to be at least ten days prior to the time of the hearing. Such notice shall state that the plans and estimates are on file with the City Clerk for public examination and shall contain a description of the proposed special assessment district. The City Council shall also cause to be sent by ordinary mail, not later than ten days prior to said hearing, a copy of said notice to all property owners, as shown on the current assessment rolls of the city, within the proposed special assessment district. At the time of said hearing, or any adjournment thereof, which may be without further notice, the City Council shall hear any objections to the proposed public improvement and to the special assessment district, and may revise, correct, amend or change the plans, estimate of costs and the special assessment district; provided, that no property shall be added to the district nor any increase in the estimate of cost in excess of 10% of the original estimate of the cost shall be made unless notice be given as above provided, or by personal service upon the owners of the property in the entire proposed special assessment district and a hearing afforded to such owners.

(Ord. 6, passed 6-1-64)

§ 33.05 APPROVAL; PREPARATION OF SPECIAL ASSESSMENT ROLL.

After the hearing on the determination of the public necessity of making said public improvement as set forth in the next preceding paragraph, if the City Council then desires to proceed with the public improvement, it shall by resolution determine to make the same as a public necessity and shall approve the plans, specifications and estimate of costs as originally presented or as revised, corrected, amended or changed, and determine what part of the cost thereof shall be defrayed by special assessment. The City Council shall thereupon direct the City Assessor to make a special assessment roll, in which shall be entered and described all parcels of land to be assessed, with the names of the respective owners therefor, if known, and the total amount to be assessed against each parcel of land, which amount shall be such relative portion of the whole sum to be levied against all parcels of land in the special assessment district as the benefits of each parcel of land bears to the total benefit to all parcels of land in the special assessment district. When the assessor shall have completed the assessment roll, he or she shall affix thereto his or her certificate stating that it was made pursuant to a resolution of the City

Council adopted on a specified date, and that in making such assessment roll he or she has, according to his or her best judgment, conformed in all respects to the directions contained in such resolution and the statutes of the state.

(Ord. 6, passed 6-1-64)

§ 33.06 NOTICE AND HEARING ON SPECIAL ASSESSMENT ROLL; APPROVAL.

When any special assessment roll shall have been reported by the City Assessor to the City Council, the same shall be filed in the office of the City Clerk. Before confirming such assessment roll, the City Council shall appoint a time and place where it shall meet and revise the same and hear any objections thereto, and shall cause notice of such hearing and the filing of such assessment roll to be published twice prior to such hearing in a newspaper circulated in the city, the first publication to be at least ten days before such hearing, and shall give further notice of such hearing by ordinary mail to all property owners as shown on such special assessment roll. Such hearing may be adjourned from time to time without further notice. Any person objecting to the assessment roll shall file his or her objection thereto in writing with the City Clerk before the close of such hearing or within such further time as the City Council may grant. After such hearing the City Council may confirm the special assessment roll as reported to it by the City Assessor or as amended or corrected by it, or may refer it back to the City Assessor for revision, or may annul it and direct a new roll to be made. When a special assessment roll shall have been confirmed by the City Council, the City Clerk shall endorse thereon the date of confirmation. After such confirmation, the special assessment roll and all assessments thereon shall be final and conclusive unless attacked in a court of competent jurisdiction within 30 days after the date of confirmation.

(Ord. 6, passed 6-1-64)

§ 33.07 SPECIAL ASSESSMENT PAYMENTS AND PENALTIES.

(A) *Installments; due date.* At the time of confirmation of the special assessment roll, the City Council shall determine whether the special assessment will be payable in one or more annual installments. The amount of each installment, if more than one, need not be extended upon the special assessment roll until after confirmation. If the special assessment is made payable in installments, the City Council shall determine whether the first installment shall be due upon confirmation of the special assessment roll or upon the following July 1. Subsequent installments shall be due on July 1 of succeeding years.

(B) *Interest.* Interest shall be computed on the entire unpaid principal balance of the special assessment at the rate specified in the City Council resolution confirming the special assessment roll and shall be paid in full on each installment due date. Interest shall commence on such date as shall be specified in the City Council resolution confirming the special assessment roll. All interest shall be a lien against the property to which the assessment applies, and shall be collectible in the same manner as the assessment to which it is added.

(C) *Prepayments.* A future-due installment may be paid at any time in full, with interest accrued on the installment through the last day of the month in which the installment is paid. No partial payment of a future-due installment shall be accepted by the City Treasurer.

(D) *Penalties.* If an installment due July 1 plus all accrued interest (computed to July 1) is unpaid by September 1, there shall be added to the amount of the installment plus accrued interest a penalty of 3%. If an installment plus all accrued interest is unpaid by October 1, there shall be added to the amount of the installment plus accrued interest an additional penalty of 1%. If an installment plus all accrued interest is unpaid by November 1, there shall be added to the amount of the installment plus accrued interest an additional penalty of 1%. If an installment plus all accrued interest is unpaid by November 15, there shall be added to the amount of the installment plus accrued interest a penalty of 3%. All such penalty charges shall be in lieu of interest on the installment, shall be a lien against the property to which the assessment applies, and shall be collectible in the same manner as the assessment to which they are added.

(E) *Transfer to December tax roll.* No payment of an installment shall be accepted by the City Treasurer from and after November 15, and the City Assessor shall transfer to the December tax roll any installment which remains unpaid on November 15.

(F) *Apportionment of assessment among parcel divisions.* Should any parcel of land be divided after special assessment thereon has been confirmed, and before the collection of each and every installment thereof, the City Assessor shall apportion the uncollected amounts between the several divisions thereof.

(Ord. 6, passed 6-1-64; Am. Ord. 74, passed 8-12-81)

Cross-reference:

Lien for payment of special assessment, see Charter § 7.8