

Chapter 30

SPECIAL ASSESSMENTS*

* **State Law References:** Public improvement or public building, MCL 141.261 et seq.; notices and hearings, MCL 211.741 et seq.; deferment of special assessment for homesteads, MCL 211.761 et seq.

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Sec. 30-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cost, the term "cost" when referring to the cost of any improvement, includes the cost of surveys, plans, land, rights-of-way, spreading of rolls, notices, advertising, financing and construction, and all other costs incident to the making of such improvement, the special assessments therefor and the financing thereof.

Improvement means any public improvement any part of the cost of which is to be assessed against one or more lots or parcels of land to be especially benefited thereby, in proportion to the benefit to be derived therefrom.

(Ord. No. 70-5, § 1, 11-9-1970)

Sec. 30-2. Public improvements; authority.

The city council may determine that the whole or any part of the cost of any improvement shall be defrayed by special assessments upon the property especially benefited, but such determination shall not be made until the preliminary proceedings prescribed in section 30-4 have been completed.

(Ord. No. 70-5, § 2, 11-9-1970)

Sec. 30-3. Advisory petitions.

To ascertain whether or not a reasonable number of property owners to be assessed, desire any particular improvement to be made, the city council may request and receive a petition therefor, or it may receive such a petition voluntarily presented; but in either event, such petition shall be advisory only and it shall not be jurisdictional, except in the case of installation of boulevard lighting systems.

(Ord. No. 70-5, § 3, 11-9-1970)

Sec. 30-4. Preliminary proceedings; specifications; report required, contents.

Before determining to make any improvements, any part of the cost of which is to be defrayed by special assessment, the city council shall cause to be prepared by the city manager, a general overall plan therefor and the same shall be filed with the city clerk, together with recommendations of the city manager as to the proportion of the cost that should be paid by special assessment and the part, if any, that should be a general obligation of the city, the number of installments in which assessments may be paid; and the lands which should be included in the special assessment district. After the report is filed with the clerk, it shall be available to the public for inspection.

(Ord. No. 70-5, § 4, 11-9-1970)

Sec. 30-5. Public hearing required; notice.

After filing such report and recommendations, a public hearing shall be held before the city council at a time and place to be fixed by it. The clerk shall cause notice of the time and place of such hearing to be published once, in the official newspaper of the city, not less than ten days prior to the date of the hearing. Such notice shall also state that said report, the general overall plan and estimate, is on file in the office of the city clerk and is available for public examination. A like ten-day notice shall also be sent by first class mail by the clerk to each owner of property subject to assessment, as shown by the current assessment roll of the city. At the time and place specified in such notice for the public hearing, the city council shall meet and hear any person who may be affected by the proposed public improvement and who may desire to be heard regarding the advisability of making such improvement. The hearing may be adjourned from time to time.

(Ord. No. 70-5, § 5, 11-9-1970)

Sec. 30-6. City council determination; resolution required, contents.

After the completion of the hearing, the city council may, by resolution, determine to make the improvement and to defray the whole or any part of the cost of the improvement by special assessment upon the property especially benefited thereby, in proportion to the benefits received. By such resolution, the city council shall approve the general overall plan for the improvement; determine the estimated cost thereof; determine what proportion of such cost shall be paid by special assessment upon the property especially benefited and what part, if any, shall be a general obligation of the city; designate the district or land and premises upon which special assessments shall be levied; and direct the assessor to prepare a special assessment roll in accordance with the determination of the city council.

(Ord. No. 70-5, § 6, 11-9-1970)

Sec. 30-7. Special assessment roll--City assessor, duties.

The assessor shall thereupon prepare a special assessment roll including all lots and parcels of land within the special assessment district designated by the city council, and shall assess to each such lot or parcel of land such relative portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefits to all lands in such district. There shall also be entered upon such roll the amount which has been assessed to the city at large, if any.

(Ord. No. 70-5, § 7, 11-9-1970)

Sec. 30-8. Same--Filing; presentation to city council.

After the assessor has completed such assessment roll, he shall attach thereto, or endorse thereon, his certificate to the effect that such roll has been made by him pursuant to a resolution of the city council stating the date of the adoption of same and that in making the assessments therein he has, as near as may be, according to the best judgment, conformed to all respects to the directions contained in such resolution, and to the Charter and the provisions of this chapter. Thereupon, he shall file the special assessment roll with the clerk, who shall present the same to the city council.

(Ord. No. 70-5, § 8, 11-9-1970)

Sec. 30-9. Same--Review; hearing required, notice.

Upon receipt of a special assessment roll the city council shall order it filed in the office of the clerk for public examination; shall fix the time and place when it will meet and review such roll; and shall direct the city clerk to give notice of said hearing. Such notice shall specify the time and place of such hearing and shall be published once in the official newspaper of the city, not less than ten days prior to the date of such hearing. A copy of such notice shall also be sent by first class mail by the city clerk to each owner of property subject to assessment, as shown by the current assessment roll of the city.

(Ord. No. 70-5, § 9, 11-9-1970)

Sec. 30-10. Same--Objections, filing; confirmation of roll, vote required.

(a) Any person deeming himself aggrieved by the special assessment roll or the improvement may file his objections thereto in writing with the clerk prior to confirmation of the roll.

(b) The city council shall meet and review the special assessment roll at the appointed time and place, or on the adjourned date and shall consider any written objections thereto. The city council may correct said roll as to any assessment or description of any lot or parcel of land, or other errors appearing therein. Any changes made in such roll shall be noted in the minutes of the hearing. After such hearing and review, the city council may confirm such special assessment roll with such corrections as it may have made, if any, or may refer it back to the assessor for revision, or may annul it and any proceedings in connection therewith.

(c) No assessment roll shall be confirmed except by the affirmative vote of four members of the city council, if prior to such confirmation, written objections to the proposed improvement have been filed by the owners of property who will be required to bear more than 50 percent of the cost of the improvement. Upon confirmation of any special assessment roll, the city council shall determine the number of installments, not to exceed 20, in which the assessment may be paid, the date upon which the installments shall be payable and shall determine the rate or interest to be charged on installments and the date upon which interest shall commence. The clerk shall endorse the date of confirmation upon each special assessment roll. Such roll shall, upon confirmation be final and conclusive.

(Ord. No. 70-5, § 10, 11-9-1970)

Sec. 30-11. Same--Lien on premises; impairment.

(a) All special assessments contained in any special assessment roll, including any part thereof

deferred as to payment, shall, from the date of confirmation of such roll, constitute a lien upon the lots or parcels of land assessed and until paid shall be a charge against the owners of the several lots and parcels of land.

(b) Such lien shall be the same character and effect as the lien created for city taxes and shall include accrued interest and penalties. No judgment or decree, not any act of the city council vacating a special assessment shall destroy or impair the lien of the city upon the assessed premises for such amount of the assessment as may be equitably charged against the same, or that may be lawfully assessed thereon.
(Ord. No. 70-5, § 11, 11-9-1970)

Sec. 30-12. Same--Delivery to city treasurer; statements, mailing sufficiency.

(a) The assessment roll shall be transmitted by the clerk to the treasurer for collection immediately after its confirmation. The treasurer shall divide the assessments into installments when so ordered by the city council.

(b) The treasurer shall mail statements of the several assessments to the owner of the several lots and parcels of land assessed, as indicated by the records of the assessor, stating the amount of the assessment and the manner in which it may be paid. Failure to mail any such statement shall not invalidate the assessment or entitle the owner to an extension of time within which to pay the assessment.
(Ord. No. 70-5, § 13, 11-9-1970)

Sec. 30-13. Same--Installments, due date, interest.

In addition to the principal amount of each annual installment, there shall be added thereto and collected from the special assessment roll by the treasurer as a part of each installment, the interest due on the entire unpaid balance of the special assessment computed to date upon which the installment is due; provided, that when any annual installment shall have been prepaid as herein provided, then there shall be due and payable on said date, only the interest upon the unpaid balance of the special assessment. In collecting each installment from the special assessment roll, the city treasurer shall have the same rights and remedies as provided in the Charter for the collection of taxes. If any annual installment, the interest thereon of the amount due annually as interest on the unpaid balance of the assessment due in any year as herein provided, shall not be paid before the date when due, the amounts thereof shall be reported by the treasurer to the assessor and such amounts together with a charge of six percent of the amount of the installment and unpaid interest shall be added to the tax roll.
(Ord. No. 70-5, § 16, 11-9-1970)