

**STATE OF MICHIGAN
COUNTY OF HURON
VILLAGE OF PORT AUSTIN**

ORDINANCE NO. 29

AN ORDINANCE RELATIVE TO CURBS, GUTTERS AND SIDEWALKS.

THE VILLAGE OF PORT AUSTIN ORDAINS:

Section I.

The purpose of this ordinance is to provide for a method of initiation action for the construction of curbs and gutters and sidewalks and to provide a method of paying for said construction.

Section II.

Whenever the Village Council shall be applied to in writing by a petition signed by the parties owning a majority of the foot frontage of real estate on the line of any street or alley or part thereof proposed to be curbed and guttered or sidewalk constructed, and which may be subject to assessment, or when the Village Council, shall, in the interest of public health and/or safety, by resolution, deem it necessary to make such improvements, said Village Council, may by resolution, order that said street or alley, within specified limits and included in said application of said Village Council, so improved, and shall thereupon refer the matter to the Committee on streets.

DEFINITION: The term curb and gutters and sidewalk is hereby defined to include also the paving of driveways between the curb line of any street and the sidewalk or the established sidewalk line.

Section III.

Upon reference to the said Committee on Streets of such resolution, said Committee with all convenient dispatch, shall determine the most practical materials to be used in said proposed improvement and shall draw up plans and specifications for said proposed improvement with an estimate of the probable total cost and expense of making such proposed improvement and shall make a report of their findings to the Village Council at their next regular meeting.

Section IV.

Whenever the said Committee on streets shall make a report to the Village Council of their findings and plans and specifications and estimated costs, it shall be the duty of the Village Council to approve or reject the same.

Section V.

If the Village Council shall approve of the plans and specifications for such proposed improvements they shall thereupon proceed to secure proposals for the furnishing of materials and the performance of the work for the construction of said proposed improvement, and shall consider the acceptance or rejection of all such proposals.

Section VI.

When the Village Council shall have accepted a proposal for the materials and construction of said proposed improvement, and has authorized the execution of a contract for the same it shall, by resolution, declare that for the purpose of assessment to defray one-half of the expense of such proposed improvements, the taxable lands and parcels of real estate which in the opinion of the Village Council are directly benefited by such improvements, specify the same and fix the boundary thereof which constitute a special assessment district.

Section VII. (Section VII Amended February 10, 1986)

After such determination, the Village Clerk shall forthwith certify such resolution, so defining the boundaries of such special assessment district, with the estimated cost of such improvement and who shall thereupon refer it to the Village Board of Assessors who shall without delay proceed to make a special assessment roll on which they shall set down all of the lands and tenements situated in special assessment district liable to taxation, under the proper description and with the names of the owners or occupants, also the number of front feet of each owner abutting on said proposed curb and gutter and sidewalk, and shall assess to the owners or occupants of each and against each parcel of land so liable to taxation fifty (50%) percent of such sums of money as shall be equal to the pro rata share per front foot of all property abutting thereon, for curb and gutter and for sidewalk of a width of four (4) feet or less and shall assess fifty-five (55%) percent for sidewalk of five (5) feet, sixty (60%) percent for sidewalk of six (6) feet, sixty five (65%) percent for sidewalk of seven (7) to nine (9) feet and seventy (70%) percent of sidewalk of ten (10) feet or more; provided, however, that no such assessment levied upon any lot or premises shall exceed twenty-five (25%) percent of the value of such lot or land, as valued and assessed in the last preceding tax roll. All cost exceeding said twenty-five (25%) percent which would otherwise be on such lot or premises and the amount over fifty (50%) percent of the cost of said improvements or more as set forth above on all such lots or premises in said special assessment district shall be paid from the general fund of the Village

Section VIII.

Immediately after such special assessment roll shall have been completed said Board of Assessors shall refer the same to the Village Clerk who shall lay the same before the Village Council at its next regular meeting.

Section IX.

Whenever such special assessment roll shall be presented to the Village Council it shall fix a time and place when the Village Council will meet and consider objection to the same and shall give notice of the same by posting such notice in three (3) public places within the Village of Port Austin for a period of two weeks prior to the date of said meeting. The Board of Assessors shall sit with the Village Council for the purpose of hearing any objections to the proposed assessment.

Section X.

A the time so fixed for the review of said special assessment roll, the Village Council shall meet in the Council chamber as Board of Review at which time or any duly adjourned time, to hear any objections thereto by any interested person that may appear in person, by agent or attorney; and the Village Council shall correct the same if necessary, and confirm it as reported or corrected, or they may refer the assessment book to the Board of Assessors for revision, or annul it and direct a new assessment. If the special assessment is confirmed, the Clerk shall endorse a certificate thereof upon the roll showing the date of confirmation.

Section XI.

It the special assessment is confirmed the Village Council at its next meeting shall so declare by resolution by a vote of a majority of all members elected.

Section XII.

After the confirmation of any such special assessment roll, it shall be the duty of the Village Clerk to attach his warrant to a certified copy of said special assessment roll, therein commanding the Village Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and return said roll and warrant, together with his doings thereon, within sixty (60) days from the date of such warrant.

Section XIII.

At any time after a special assessment has become payable the same may be collected by suit, in the name of the Village, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common court for money paid shall be sufficient. The special assessment roll and a certified copy of the other or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the Village to recover judgment therefore.

Section XIV.

This Ordinance shall take effect and be in force twenty-one days after its passage

Posted: October 29, 1953
Effective: November 18, 1953

CERTIFICATE OF POSTING

STATE OF MICHIGAN
COUNTY OF HURON

I, Edward A. Parks, Clerk of the Village of Port Austin, Huron County, Michigan, do certify that on the 29th day of October 1953, I did post true copies of the foregoing Ordinance No. 29, which is entitled "An Ordinance Relative to Curbs, Gutters, and Sidewalks" in the following public places within the Village of Port Austin:

- 1. Door of Village Council Room
- 2. Post in Front of Clerks Office
- 3. Door of America Legion Hall

Edward A. Parks, Clerk, Village of Port Austin _____

Subscribed and sworn to before me this 29th day of October 1953.
Arnold J. Schumacher, Notary Public, Huron County, Michigan
