COUNTY PUBLIC IMPROVEMENT ACT OF 1939

Act 342 of 1939

AN ACT to authorize counties to establish and provide water, sewer, or sewage disposal improvements and services within or between cities, villages, townships, charter townships, or any duly authorized and established combinations thereof, within or without the county, and to establish and provide garbage or rubbish collection and disposal facilities and services for such units of government or combinations thereof, and for such purposes to acquire, purchase, construct, own, maintain, or operate water mains and trunk and connecting lines, water pumping and purification plants, sewers, sewage interceptors, sewage disposal plants, settling basins, screens and meters, and incinerators and disposal grounds; to authorize counties to establish, administer, coordinate, and regulate a system or systems of water, sewer, or sewage disposal improvements and services, and garbage and rubbish collection and disposal facilities and services, within or between such units of government; to provide methods for obtaining money for the aforesaid purposes; to authorize counties to extend by laterals and connections, and to construct, improve, repair, manage, or operate water, sewer, or sewage disposal improvements and garbage and rubbish collection and disposal facilities and services of and situated within such cities, villages, townships, charter townships, or any duly authorized and established combination thereof, and provide for the loan of money to such units of government for the purposes and the repayment thereof by agreements therefor; to provide methods for collection of rates, charges, or assessments; to authorize counties to enter into contracts with any unit of government providing for the acquisition, construction, and financing of improvements or facilities and for the pledge of the full faith and credit of each unit of government for the payment of their respective shares of the cost thereof; to authorize each unit of government having power to tax to impose taxes without limitation as to rate or amount for the payment of contract obligations in anticipation of which bonds are issued; to authorize counties to issue bonds secured by the full faith and credit pledges of each unit of government; to authorize counties to pledge their full faith and credit as additional security on such bonds and to impose taxes without limitation as to rate or amount to the extent necessary for the payment of such bonds; to authorize counties to issue revenue bonds and to pledge their full faith and credit as additional security for the payment of such revenue bonds; to validate action taken and bonds issued; and to prescribe penalties and provide remedies.

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History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974 ;-- Am. 1998, Act 202, Eff. Mar. 23, 1999

The People of the State of Michigan enact:

46.171 Establishment of water, sewer, and sewage disposal improvements and services; establishment of garbage and rubbish collection and disposal facilities and services; definitions.

Sec. 1.

(1) The county board of commissioners of a county may, by resolution adopted by a majority vote of its members-elect at any regular or special session of the board, authorize and direct that there be established a system or systems of water, sewer, or sewage disposal

improvements and services and garbage or rubbish collection and disposal facilities and services within or between cities, villages, townships, charter townships, or any duly authorized and established combinations thereof, within or without the county, and mains, trunks, connecting lines, and disposal facilities therefor. For such purposes the agency of the county hereinafter designated shall locate, acquire, purchase, construct, own, maintain, or operate water mains, trunks, and connecting lines, water pumping and purification plants, sewers, sewage interceptors, sewage disposal plants, settling basins, screens and meters, and incinerators and disposal grounds and facilities, as shall be described in maps, plans, and specifications therefor and be approved by the county board of commissioners or contract with any unit of government, or any duly authorized and established combination thereof for the purchase of water and for the use of their sewers and sewage disposal plants and garbage or rubbish collection and disposal facilities and services. A county may establish, construct, administer, coordinate, and regulate systems for water, sewer, and sewage disposal improvements and services within or between, and garbage and rubbish collection and disposal facilities and services for, such units of government.

(2) As used in this act:

(a) "Sewers" means interceptor sewers for the transportation of sewage or storm water or both, storm sewers, sanitary sewers, combined sanitary and storm sewers and all instrumentalities, facilities, and properties used or useful in connection with the collection of sewage or storm water.

(b) "Garbage" and "rubbish collection and disposal facilities" mean incinerators, disposal grounds, and all instrumentalities, facilities, and properties used or useful in connection with the collection and disposal of garbage and rubbish.

(c) "Unit of government" means a city, village, township, charter township, and any duly authorized and established combinations thereof, within or without the county establishing any of the improvements, facilities, or services authorized under this act.

(d) "Improvements", "facilities", and "services" mean any of the improvements, facilities, and services authorized under the provisions of subsection (1).

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History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.171 ;-- Am. 1952, Act 74, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

46.171a County public improvements; short title.

Sec. 1a.

This act shall be known and may be cited as the "County Public Improvement Act of 1939".

History: Add. 1963, Act 1, Imd. Eff. Feb. 26, 1963

46.172 County public improvements; contracts with governmental units, loans.

Sec. 2.

Any county having determined to establish and provide any of the improvements, facilities and services authorized under the provisions of section 1 hereof, is further authorized to extend by laterals and connections, and to improve, repair, manage and/or operate any such improvements, facilities and service of and situated within any units of government by terms

of agreements therefor to be entered into between such county and said units of government, and subject to the conditions hereinafter provided.

Such county may loan money to such units of government for said purposes and obtain repayment thereof by agreement therefor and subject to the conditions hereinafter provided.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- CL 1948, 46.172 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953

46.173 County agency; designation; powers and duties.

Sec. 3.

Whenever the county board of commissioners of a county determines to establish and provide any of the improvements, facilities, or services hereinbefore authorized, it shall designate the "county agency" therefor which shall be the board of county road commissioners, the drain commissioner, or the board of public works of the county as may be determined by resolution of the county board of commissioners. Before commencing the improvements, facilities, or services, or entering into a contract with any other unit of government for supply or use of the improvements, facilities, and services, the county agency shall prepare or obtain from competent sources and file with the county board of commissioners, maps, plans, designs, specifications, and estimates of the proposed improvements or facilities. The county agency shall have supervision and control of the management and operation of all improvements, facilities, and services established pursuant to this act and further shall have the following duties and powers: To make and execute proposed alterations, changes, and extensions of the improvements, facilities, or services authorized herein; to locate, acquire, purchase, construct, alter, repair, maintain, and operate the improvements, facilities, and services authorized herein and enter into and execute contracts therefor; to obtain or prepare data for and determine rates, charges, and assessments to be imposed and collected for any improvements, facilities, and services authorized herein; to review and make adjustments of rates, charges, and assessments where the same are deemed excessive or inadequate; to engage consultants, assistants, attorneys, and employees; to act as the applicant, agents, or sponsor for the county in the borrowing or loaning of money, issuing of notes or bonds and receiving of any gift or grant of funds or property for the purposes authorized herein; to enter into and execute agreements with units of government, for the use of any such improvements, facilities, or services and the collection of rates, charges, and assessments; and to make all necessary rules governing the use and operation of such improvements, facilities, or services.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.173 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1961, Act 213, Eff. Sept. 8, 1961 ;-- Am. 1973, Act 152, Imd. Eff. Nov. 28, 1973

46.174 Establishment of rates, charges, or assessments.

Sec. 4.

When the county board of commissioners of a county has authorized and directed the establishment of any of the improvements, facilities, or services authorized by this act, the county agency shall establish just, equitable, and uniform rates, charges, or assessments to be paid to the county for the services rendered thereby. The complete and actual cost of improvements and financing thereof may be included in the amounts fixed for rates, charges,

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or assessments for services rendered by the county. Where the improvements or facilities are to be acquired, constructed, and financed pursuant to the provisions of sections 5a, 5b, and 5c, the rates, charges, or assessments for services rendered by the improvements or facilities shall be set and thereafter changed in the amount and manner provided by contract between the county and the unit or units of government.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.174 ;-- Am. 1952, Act 74, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

46.174a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 4a.

A petition under section 5b or 16, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 202, Eff. Mar. 23, 1999

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46.175 Agreements; rates, charges, or assessments as lien.

Sec. 5.

The county agency and a unit of government may enter into agreements for a term up to but not exceeding 40 years whereby the unit of government shall pay the county for the services provided by any improvements and facilities authorized by this act, including the cost of construction and maintenance of the same, from funds collected as rates, charges, or assessments from the users and beneficiaries of the improvements, facilities, and services, or from any other fund available which may be validly used for such purposes. Any contracting unit of government may raise the amounts required to be paid under such agreements by collecting connection charges, and rates, charges, or assessments from the users and beneficiaries of the improvements, facilities, and services within that unit of government, or by levy upon the taxable property of any contracting unit of government having the power to tax in accordance with the same procedure as provided under the general tax laws of the state. The county agency may also enter into agreements with units of government providing that the county agency shall collect the connection charges, and rates, charges, or assessments for the services furnished, directly from the users and beneficiaries thereof. The county agency may enter into similar agreements with the county drain commissioner on behalf of any drain district, or with the drainage board on behalf of any inter-county drainage district, for the connection of any drain with any county sewer or sewage disposal system and for the collection by the county of connection charges, rates, and charges for the services of such county system from the users or beneficiaries thereof through connection with such drain. The county agency or such units of government in accordance with the agreements shall have the right to shut off the services and deny the use of the improvements or facilities to any user or beneficiary thereof failing to pay any of the rates, charges, or assessments as fixed. The rates, charges, or assessments for water, sewage, and sewage disposal services may be fixed in accordance with the amount of water used as measured by water meter readings or by such other methods as may be deemed equitable. Any rates, charges, or assessments shall constitute

a lien on the premises served, effective immediately upon the rendering of services thereto and the official records of the agency charged with the collection thereof constitute notice of the pendency of the lien. Any rates, charges, or assessments remaining unpaid and delinquent for a period of 6 months or more may be certified by the agency charged with the collection thereof to the tax assessing officer or agency of the taxing district wherein the lands served are located and shall then be entered upon the county tax rolls against the premises to which such services shall have been rendered. The same shall be collected and the lien shall be enforced in accordance with the provisions of the general tax laws of the state.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.175 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1961, Act 213, Eff. Sept. 8, 1961 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

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46.175a Contracts authorized; methods of raising funds.

Sec. 5a.

As an additional or alternative method of acquiring and constructing any of the improvements or facilities authorized by this act, the county, acting through its county agency, and any unit of government may enter into contracts providing for the acquisition, construction, and financing of improvements or facilities in the manner authorized in this act. The contracts shall provide for the allocation and payment of the share of the total cost to be borne by each unit of government in annual installments for a period of not exceeding 40 years, and each contracting unit of government is authorized to pledge its full faith and credit for the payment of the obligation in the manner and times specified in the contracts. A contract described in this section is not subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. For the purpose of making payment of its pledged share of the cost of the improvements or facilities, any contracting unit of government may use any, or all, or any combination of the following methods of raising funds:

(a) The levy of a tax on taxable property by a unit of government having the power to tax, which tax may be imposed without limitation as to rate or amount and in addition to any taxes that the unit of government may be authorized to levy but not more than the rate or amount sufficient for those purposes.

(b) The levy of special assessments on property benefited by the improvements, the procedures relative to the making and collection of the special assessments to conform as near as may be to applicable charter or statutory provisions.

(c) The levy and collection of rates or charges to users and beneficiaries of the service furnished by the improvement.

(d) From money received or to be received derived from the imposition of taxes by this state, except as the use of the money for that purpose is expressly prohibited by the state constitution of 1963.

(e) From any other funds that may be validly used for that purpose. The contracts may provide for any and all matters relating to the acquisition, construction, and financing of the improvements or facilities as are considered necessary, including the authority to the county agency to issue bonds secured by the full faith and credit contractual pledges of the contracting unit of government, as authorized by section 5c. The contracts may provide for appropriate remedies in case of default, including, but not limited to, the right of the contracting unit of government to authorize the state treasurer or other official charged with the disbursement of unrestricted state funds returnable to the governmental units under the

state constitution of 1963, to withhold sufficient funds to make up any default or deficiency in funds.

History: Add. 1952, Act 74, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1961, Act 213, Eff. Sept. 8, 1961 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974 ;-- Am. 2002, Act 199, Imd. Eff. Apr. 29, 2002

46.175b Resolution authorizing execution of contract; notice; approval of contract; petition for referendum; special election; verification of signatures; refunding of outstanding bonds.

Sec. 5b.

(1) A unit of government desiring to enter into a contract under the provisions of section 5a shall authorize, by resolution of its governing body, the execution of the contract. Subsequent to the adoption of the resolution a notice thereof shall be published in a newspaper of general publication in the unit of government which notice shall state:

(a) That the governing body has adopted a resolution authorizing execution of the contract.

(b) The purpose thereof.

(c) The source of payment of unit of government is contractual obligation.

(d) The right of referendum thereon.

(e) Such other information as the governing body shall determine to be necessary to adequately inform all interested persons of the nature of the obligation.

The contract may be executed and delivered by the unit of government upon approval by its governing body without a vote of the electors thereon, but the contract shall not become effective until the expiration of 45 days after the date of publication of such notice. If within the 45-day period a petition signed by at least 10% or 15,000, whichever is the lesser, of the registered electors residing within the limits of the unit of government is filed with the clerk thereof requesting a referendum upon the contract, the same shall not become effective until approved by the vote of a majority of the electors of the unit of government qualified to vote and voting thereon at a general or special election. Where a unit of government has, prior to the effective date of this 1974 amendment, published a resolution authorizing the execution of a contract hereunder in substantial compliance with this section, as amended, and the referendum period formerly provided by this section has expired, but the bonds have not been issued, the resolution and the publication thereof are hereby validated and, if no petition for a referendum on execution of the contract has been or is signed and filed within the time period formerly provided by this section, the contract may be executed and shall thereupon become effective without submitting the proposition for approval thereof to the electors, or if a petition has been or is so signed and filed, the contract may be executed and thereupon become effective if approved at an election as above provided. When any such contract is to be entered into by any township only on behalf of the unincorporated area of the township, only the registered electors residing within the unincorporated area of the township shall be qualified to sign the petition and vote at the election.

(2) Any special election called for such purpose shall not be included in any statutory or charter limitation as to the number of special elections to be called within any period of time. Signatures on any such petition shall be verified by some person under oath, as the actual signatures of the persons whose names are signed thereto, and the clerk of the unit of government shall have the same power to reject signatures as city clerks under the provisions of section 25 of Act No. 279 of the Public Acts of 1909, as amended, being section 117.25 of

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the Michigan Compiled Laws. The number of registered electors in any unit of government shall be determined by the unit of government registration books.

(3) Where a contracting unit of government has outstanding any revenue bonds issued under the provisions of Act. No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Michigan Compiled Laws, for the type of improvements or facilities to be constructed pursuant to this act and the contract, such contract may provide for the refunding of the outstanding bonds and the inclusion, in the total financing required for the construction of the improvements or facilities contemplated by this act of an amount sufficient to provide for the refunding, including such call premiums as may be required in the ordinance authorizing their issuance. Nothing herein contained shall be construed as authorizing the refunding of noncallable unmatured bonds without the consent of the holder or holders thereof. Where the refunding is provided for by the contract, any bonds issued pursuant to section 5c may be issued and sold in a sufficient amount to provide additional funds over and above acquisition and construction costs of the new improvements or facilities to enable the contracting unit of government to retire the outstanding revenue bonds.

History: Add. 1952, Act 74, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

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46.175c Bonds generally.

Sec. 5c.

(1) For the purpose of obtaining funds for the acquisition and construction of the improvements or facilities authorized by this act, the county after the execution of the contract or contracts authorized by sections 5a and 5b, upon resolution adopted by its county board of commissioners, may issue its negotiable bonds secured by the full faith and credit pledges made by each contracting unit of government pursuant to authorization contained in this act and the contract or contracts entered into pursuant to sections 5a and 5b. The bonds shall not be delivered until the contract or contracts become effective as provided in section 5b. The bonds shall be issued in the name of the county and shall be executed in such manner as provided in the resolution authorizing the bonds. Bonds issued under this act shall mature in a period not to exceed 40 years. The bonds and coupons shall taxation by be exempt from all this state or by any taxing authority within this state. The bonds shall not pledge the full faith and credit of the issuing county except as otherwise provided in this section. As additional security for the payment of the principal of and interest on any bonds issued under this section, any issuing county may, upon proper resolution adopted by a majority vote of the members-elect of its county board of commissioners, pledge the full faith and credit of the county for the prompt payment of the principal of and interest on the bonds. In the event the county is required to advance any money by reason of a pledge on account of the delinquency of any contracting unit of government and if provided in the contract, the county treasurer shall notify the state treasurer to deduct the amount of money advanced by the county from any unrestricted money in the state treasurer's possession belonging to the unit of government and to pay the amount to the county. The money shall be paid into the general fund of the county. The right of deduction to receive payment from the state treasurer given to the county by this statute shall not operate to limit the county's right to pursue any other legal remedies for the reimbursement of money advanced under this section. The board of commissioners of any county that has advanced any money and that has not been reimbursed may order a unit of government having taxing power and its officers to levy upon its next tax roll an amount sufficient to make the reimbursement on or before the date when its taxes become delinquent

and the unit of government and its tax levying and collecting officials shall levy and collect the taxes and reimburse the county. The resolution authorizing the issuance of the bonds shall contain the terms of the contract or contracts authorized by sections 5a and 5b. Sections 5a, 5b, and 5c shall be construed as an additional and alternative method for the acquisition, construction, and financing of the improvements or facilities contemplated by this act, and shall not affect the other provisions of this act relating to the acquisition, construction, or financing of improvements or facilities. Any improvements and facilities contemplated by this act may be acquired, constructed, and financed in part under the provisions of sections 5a, 5b, and 5c and in part under other sections of this act. This act shall not validate any drain orders or bonds issued prior to April 30, 1954.

(2) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

History: Add. 1952, Act 74, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1954, Act 161, Imd. Eff. Apr. 30, 1954 ;-- Am. 1957, Act 138, Imd. Eff. May 28, 1957 ;-- Am. 1963, Act 1, Imd. Eff. Feb. 26, 1963 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974 ;-- Am. 1983, Act 183, Imd. Eff. Oct. 25, 1983 ;-- Am. 2002, Act 199, Imd. Eff. Apr. 29, 2002

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46.176 Board of review; designation by county board of commissioners; hearing, review, and adjustment of rates, charges, and assessments; meetings, time, and place, notice.

Sec. 6.

The county board of commissioners shall designate either a committee selected from its membership or the board of auditors, if a county has a board of auditors, to be constituted as a board of review for the purpose of hearing and reviewing rates, charges, or assessments. At the request of any unit of government, person, firm, or corporation charged for services rendered by any county acting under this act, and on sufficient cause being shown, or upon information presented to or obtained by the board of review of the respective county, the action of the county agency in fixing or adjusting charges or assessments must be reviewed and finally determined by the board of review. The charges or assessments must in all cases be sufficient to pay the operating expenses of the system and to meet sinking fund and interest requirements on bonds and to meet principal and interest payments on notes if any, and any other requirements under which the bonds or notes may be issued. The board of review shall adjust and correct rates, charges, or assessments in order that the rates, charges, or assessments are just and equitable. The board of review shall meet at the room of the county board of commissioners in the county building within 60 days of a written request to review rates, charges, or assessments. The board of review shall allow sufficient time for the hearing. Notice of hearings to be held by the board of review must be prepared by the board and posted at 2 public places in each municipality where rates, charges, or assessments are charged or assessed under this act at least 7 days before the scheduled hearing.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.176 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 2018, Act 569, Imd. Eff. Dec. 28. 2018

46.177 Self-liquidating revenue bonds.

Sec. 7.

For the purpose of obtaining money for locating, acquiring, purchasing, establishing, constructing, extending, improving, or repairing any of the improvements, facilities, or

services authorized by this act, the county may issue self-liquidating revenue bonds, and may issue refunding bonds for the payment or retirement of any such bonds previously issued by it for any such purposes, under the provisions of Act No. 94 of the Public Acts of 1933, as amended. As additional security for the payment of the bonds, any issuing county, by a majority vote of the members-elect of its county board of commissioners, may include as part of the ordinance authorizing the issuance of the bonds a pledge of its full faith and credit for payment of the principal of and interest on the bonds, and if such a pledge is made, then in event of the insufficiency of the revenues therefor, the county may pay the amount of the insufficiency from its general fund or levy taxes therefor without limitation as to rate or amount and in addition to any other taxes it may be authorized to levy but not in an amount a rate in excess of that necessary to make up the insufficiency.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.177 ;-- Am. 1949, Act 221, Eff. Sept. 23, 1949 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1961, Act 213, Eff. Sept. 8, 1961 ;-- Am. 1963, Act 1, Imd. Eff. Feb. 26, 1963 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

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46.178 Administrative expenses; revolving fund.

Sec. 8.

The county board of commissioners of any county operating under the provisions of this act, may by a 2/3 vote of its members-elect appropriate and there shall be paid from its general funds such sums as are determined by the board to be necessary for administrative expenses incurred by the county agency in the performance of its duties and powers authorized by this act and for purposes of obtaining maps, plans, designs, specifications, and cost estimates of proposed improvements or facilities. The county board of commissioners of a county operating under this act may by a 2/3 vote of its members-elect make appropriations from the general fund of such county to be segregated as a revolving fund which may be used to finance and pay for such improvements or facilities as are authorized herein to be disbursed and expended by the county agency.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.178 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

46.179 Advancements and loans to governmental units; conditions, provision for payment; maximum.

Sec. 9.

In the event that the board of supervisors of any county having established any of the improvements or facilities authorized by this act determines that any city, village, township or township improvement district is in need of extensions, improvements or repairs to such improvements and facilities of and within such units of government, such board of supervisors by a two-thirds majority vote of its members elect is authorized to appropriate, advance and loan to and by agreement with such unit of government from the general funds of the county, such sums as are necessary to provide such extensions, improvements or repairs. The board of supervisors may, by resolution adopted by a two-thirds majority vote of its members elect, make such advance and loan on condition that the legislative body of the unit of government borrowing and receiving said sum shall enter into an agreement therefor and approve such advance and loan by a two-thirds vote of its members elect. Any sum to be borrowed for the

benefit of a township improvement district shall be authorized by action of the township board in the township where said district is situated. No such loan shall be made by the board of supervisors without there first being irrevocably pledged to the payment thereof current or delinquent taxes evidenced by promissory notes paying interest at not to exceed 5 per cent per annum and maturing within a period of 10 years: Provided, The total sum advanced and loaned to any such unit of government for 1 or more of the improvements or facilities authorized herein shall not, in total amount, exceed 10 per cent of its current taxes and 80 per cent of all its delinquent taxes, and current and/or delinquent taxes pledged shall not exceed said amount. Such advances and loans are authorized irrespective of the amount of tax delinquency of the unit of government borrowing money for the purpose herein provided, and shall not require the approval of the state loan board, the public debt commission or any other state authority.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.179 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953

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46.180 Audit of financial records and accounts; disbursement of funds.

Sec. 10.

The board of auditors shall audit the financial records and accounts for the construction or acquisition of any improvements or facilities by the county authorized herein. All funds for the purchase of land, construction, acquisition, maintenance, and operation of improvements or facilities authorized by the county board of commissioners shall be disbursed by direction of the county agency and paid by the county treasurer. In counties not having a board of auditors, the county board of commissioners shall perform the duties designated herein for the board of auditors.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.180 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

46.181 Collection service charge; enforcement.

Sec. 11.

The collection service charge authorized herein in terms of rates, charges or assessments to be fixed and collected by the county, and notes for money advanced and loaned by the county may be enforced by such county in case of default in payment thereof as herein provided, and/or by action in mandamus, assumpsit or any other remedy prescribed by law.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- CL 1948, 46.181

46.182 Public improvements; permit from city or village legislative body not required.

Sec. 12.

The construction or acquisition of any improvements or facilities in accordance with the provisions of this act, shall not be subject to the requirements and provisions of Act No. 261, Public Acts of Michigan, 1927.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- CL 1948, 46.182 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953

46.183 Construction of act.

Sec. 13.

This act being necessary for and to secure the public health, safety, and welfare of the counties, cities, villages, townships, and charter townships shall be liberally construed to effect the provisions hereof.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- CL 1948, 46.183 ;-- Am. 1974, Act 46, Imd. Eff. Mar. 19, 1974

46.184 County agency; purchase, acceptance or condemnation of property; provisions applicable.

Sec. 14.

The county agency of any county, for purposes of exercising the authority herein granted to such county, may purchase, accept as a gift, or condemn private property determined by said county agency to be necessary therefor and for the public use. If by condemnation the provisions of Act No. 149 of the Public Acts of Michigan of the year 1911, entitled "An act to provide for the condemnation by state agencies and public corporations of private property for the use or benefit of the public, and to define the terms 'public corporations,' 'state agencies' and 'private property' as used herein," or such other appropriate provisions therefor as exists or shall be made by law may be adopted and used for the purpose of instituting and prosecuting such condemnation proceedings.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- Am. 1941, Act 353, Eff. Jan. 10, 1942 ;-- CL 1948, 46.184 ;-- Am. 1953, Act 186, Imd. Eff. June 9, 1953

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46.185 Authority of act additional.

Sec. 15.

The authority hereby given shall be in addition to and not in derogation of any power existing in any of the counties, cities, villages and townships under any statutory or charter provisions which they may now have or may hereafter adopt.

History: 1939, Act 342, Eff. Sept. 29, 1939 ;-- CL 1948, 46.185

46.186 Township board; action on behalf of partially incorporated city, effect.

Sec. 16.

Whenever all or any part of a township has been incorporated as a city and the incorporation of such city has not been completed by the adoption of a charter therefor, then the township board may act hereunder on behalf of both the city and the remainder of the township, either jointly or severally, and for the purposes of this act shall be deemed to be the governing body of such city as well as that of the township. Pending the adoption of such charter, any duty imposed by the provisions of this act upon an officer or governing body of the city, shall be performed by the corresponding officer or governing body of the township, and all papers, documents and notices may be served upon the township clerk. In event of a referendum upon a contract entered into by the township board solely on behalf of such a city, then only the registered electors residing within the city incorporated territory shall be

qualified to sign the petition therefor and to vote at the election. The township registration records shall be used unless there shall have been a previous registration of electors in the city. In the event that the city incorporated territory should revert to the township status by reason of the failure to adopt a charter for said city, then any action taken by the township board on behalf of such city shall be binding upon the township.

History: Add. 1956, Act 49, Imd. Eff. Apr. 2, 1956
Former Law: See section 16 of Act 342 of 1939, which was repealed by Act 267 of 1945.

46.187 Joint action by adjoining counties; administrative agency, establishment, powers and duties; issuance of bonds.

Sec. 17.

Any 2 or more adjoining counties which have, by resolution of their respective boards of supervisors, authorized and directed the establishment of any of the improvements, facilities or services authorized by this act, may contract for the joint establishment, operation or maintenance of any such improvements, facilities or services, or any portion thereof. Such contract shall provide for the establishment of an administrative agency to be composed from the membership of the respective county agencies, and such administrative agency shall have and exercise all the powers and duties conferred upon a county agency under the provisions of this act, except as the same may be specifically limited by the provisions of said contract.

Any bonds issued to finance the construction of improvements under such contract shall be the joint obligation of all participating counties.

History: Add. 1956, Act 49, Imd. Eff. Apr. 2, 1956

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46.188 Validation of prior actions and bonds.

Sec. 18.

Actions heretofore taken by the county or any unit of government and all bonds heretofore issued under this act as originally adopted or subsequently amended are hereby validated. A county acting under this act as originally adopted or subsequently amended, or any unit of government, shall not contest the validity of any such bonds or any contract which provides the security therefor or any action taken by the county or unit of government after the bonds have been sold and delivered and the county has received the consideration therefor.

History: Add. 1974, Act 46, Imd. Eff. Mar. 19, 1974