SUMMER RESORT AND ASSEMBLY ASSOCIATIONS

Act 39 of 1889

AN ACT to authorize the formation of corporations for the purchase and improvement of grounds to be occupied for summer homes, for camp-meetings, for meetings of assemblies or associations and societies organized for intellectual and scientific culture and for the promotion of the cause of religion and morality, or for any or all of such purposes; and to impose certain duties on the department of commerce.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- Am. 1982, Act 85, Imd. Eff. Apr. 19, 1982

The People of the State of Michigan enact:

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455.51 Summer resort and assembly associations; incorporation, purpose.

Sec. 1.

That any number of persons not less than 10, who may desire to form an association for the purchase and improvement of lands to be occupied for summer homes, for camp-meetings, for meetings and assemblies of associations and societies organized for scientific or intellectual culture and for the promotion of religion and morality, or any or all such purposes, may, with their associates, successors and assigns, become a body politic and corporate under any name by them assumed in their articles of incorporation, in the manner herein provided.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983d-6 ;-- CL 1897, 7639 ;-- CL 1915, 10062 ;-- CL 1929, 10327 ;-- CL 1948, 455.51

455.52 Articles of association; capital stock; reorganization.

Sec. 2.

The persons so associating shall sign articles of association which shall state:

First, The corporate name of the association;

Second, The names and residences of the persons thus associating;

Third, The purpose or purposes of such association;

Fourth, The number of trustees to manage the business of the association and their terms of office, also the names of trustees for the first year or until the annual meeting of the association;

Fifth, The county in which its real estate shall be situate and its meetings held;

Sixth, The term of its existence, which shall not exceed 30 years;

Seventh, They may also state therein the qualifications of persons eligible to the office of trustee and the terms and conditions of membership, and such other provisions for the management of the business, and the disposition of the real and personal property of the association, as they may desire, not inconsistent with the provisions of this act and the laws of this state. The persons so associating may, by a majority vote, provide for capital stock, in which case the articles of association shall state the amount thereof, which shall not exceed 50,000 dollars, in shares of 25 dollars each. Any corporation or association heretofore organized under any other law of this state, for the purposes named in this act, may, by a

majority vote of the stock represented at any annual meeting thereof, reorganize under the provisions of this act.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983d-7 ;-- Am. 1897, Act 39, Imd. Eff. Mar. 26, 1897 ;-- CL 1897, 7640 ;-- CL 1915, 10063 ;-- CL 1929, 10328 ;-- CL 1948, 455.52

455.53 Execution of articles of association; acknowledgment; filing articles with department of commerce; certification.

Sec. 3.

The execution of such articles of association shall be acknowledged by the persons signing the same before some officer authorized to take the acknowledgment of deeds. Such articles shall thereupon be filed with the corporation and securities bureau of the department of commerce, which, after making such record, shall certify upon such articles the date and place of record thereof and return the same to the association.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983d-8 ;-- CL 1897, 7641 ;-- CL 1915, 10064 ;-- CL 1929, 10329 ;-- CL 1948, 455.53 ;-- Am. 1982, Act 85, Imd. Eff. Apr. 19, 1982

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455.54 Powers, privileges, and liabilities of incorporated association; limitation on land holdings; voting.

Sec. 4.

(1) An association incorporated under this act has all the general powers and privileges and is subject to all the liabilities of a corporation. The association may have a common seal; may sue and be sued in all the courts of this state; and, subject to subsection (2), may acquire, hold, and possess within any 1 county any real and personal property for the purposes described in its articles of association.

(2) An association incorporated under this act shall not at any time own or hold more than 1,000 acres of land.

(3) If authorized by a majority vote of the members of an association incorporated under this act voting at any annual meeting or any special meeting called expressly for that purpose or pursuant to a general bylaw adopted and recorded, the trustees of the association may sell, give, grant, and convey or lease all or part of the association's real property to any party and on the terms and subject to the provisions, reservations, and restrictions that the trustees deem advisable.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983d-9 ;-- CL 1897, 7642 ;-- CL 1915, 10065 ;-- CL 1929, 10330 ;-- CL 1948, 455.54 ;-- Am. 1982, Act 85, Imd. Eff. Apr. 19, 1982 ;-- Am. 2006, Act 45, Imd. Eff. Mar. 2, 2006

455.55 Corporation; powers.

Sec. 5.

Such corporation may improve and ornament its nds, erect and maintain churches, houses of worship, and other buildings thereon for its own use, or for the use and occupation of assemblies, societies and people who may desire the same, and may hold meetings, employ speakers and lecturers for the promotion of intellectual and scientific culture, religion and morals, and may also lease portions of its lands to societies organized for the promotion of like purposes. It may cause its lands to be drained, construct docks necessary and convenient upon

the banks or shores of any stream, bay or lake upon which its lands border, and may make such provision as may be necessary for supplying its grounds and the people thereon with water and for sanitary and fire purposes.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e ;-- CL 1897, 7643 ;-- CL 1915, 10066 ;-- CL 1929, 10331 ;-- CL 1948, 455.55

455.56 Annual meeting; place; board of trustees, report, powers.

Sec. 6.

The annual meeting of such association shall be held at some suitable place on its grounds at such time as shall be fixed by the board of trustees, and may adjourn from day to day as may be necessary for the transaction of its business. At the first annual meeting the entire number of the board of trustees shall be elected, and at each annual meeting thereafter there shall be elected such number of trustees as shall be necessary to fill the places of trustees whose term of office then expires, and all vacancies in such board. Such election shall be by ballot, and any person receiving a majority of all the votes cast shall be elected. Any and all business of the association may be considered and acted upon at such meeting, and such instructions given to the board of trustees as may be determined upon. If, for any reason, the annual meeting of the association shall not be held at the time fixed therefor, the board of trustees shall, within 60 days thereafter, call a special meeting of the association, at a time fixed by it for that purpose, and notify each member of the association thereof by mailing a notice addressed to him or her to his or her place of residence, if known; and such special meeting, when so called and held, shall have the same powers as the annual meeting would have had if held at the time fixed therefor. At any meeting of the association each member thereof shall be entitled to 1 vote. The trustees shall make to such annual meeting a report, in writing, of their doings and of the management of the business of the association, the condition of its property, concerns, and its assets and liabilities, and such other matters as to them shall seem proper.

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History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-1 ;-- CL 1897, 7644 ;-- CL 1915, 10067 ;-- CL 1929, 10332 ;-- CL 1948, 455.56

455.57 Board of trustees; quorum, vacancy; election of officers, terms.

Sec. 7.

Such trustees shall be known and designated as the board of trustees. They shall elect a president, vice-president, a secretary and a treasurer from their members, who shall hold their offices for 1 year and until their successors shall be elected. They shall discharge the usual duties attached to such offices and such other duties as may be prescribed by the by-laws or general directions of the association. Two-thirds of the members of the board shall constitute a quorum for the transaction of business, and any vacancy in the board may be filled by the board, and the trustee or trustees so appointed shall hold office until the next annual meeting of the association.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-2 ;-- CL 1897, 7645 ;-- CL 1915, 10068 ;-- CL 1929, 10333 ;-- CL 1948, 455.57

455.58 Board of trustees; powers; annual meeting; streets, control.

Sec. 8.

The board of trustees shall have the management and control of the business, finances, rights, interests, buildings and all property, real and personal, of the association, and shall represent the association with full power and authority to act for it in all things whatsoever, subject only to the provisions of this act and the by-laws of the association and any special directions that may be given in regard thereto by a vote of any annual meeting. It shall fix the time for holding the annual meeting of the association and all special meetings thereof. Such board shall have jurisdiction over the lands of the association, the streets and highways passing through or over the same and the water within or in front thereof, and all buildings thereon, whether leased or not; to keep all such lands and premises of the association and the water within or in front thereof in good sanitary condition; to preserve the purity of the waters of all streams, springs, bays or lakes within or bordering upon said lands; to license such number of drays as may be thought desirable upon such terms and conditions as the board shall determine; and to prohibit any person from carrying on the business of carrying goods, trunks, baggage or commodities on the lands of the association or the highways, streets or alleys thereon without such license first being had; to provide for protection from loss or damage from fire and to protect the occupants of its grounds from contagious diseases; to remove therefrom any and all persons afflicted with any such disease; to prevent and prohibit on its grounds vice and immorality; to prohibit all disorderly assemblies and conduct, all gaming and disorderly houses, all billiard tables, bowling alleys, fraudulent and gaming devices, the selling or giving away any spirituous or fermented liquors; to prohibit and abate all nuisances and all slaughter houses, meat markets, butcher shops, glue factories, and all such other offensive houses and places as the board of trustees may deem necessary for the health, comfort and convenience of the occupants upon such lands; to prohibit immoderate driving or riding upon said premises or the streets and highways lying along or across the same; to prevent the running at large of any dog or other animal; to compel persons occupying any part of said premises to keep the same in good sanitary condition and the streets, sidewalks and highways in front thereof free from dirt and obstruction and in good repair; to fix the place or places where and the time when persons may bathe in the waters within or in front of its land and regulate the same in the interests of decency and good morals; to prohibit all boating upon any of its said waters on Sunday to and from the lands of the association; and they may also prohibit or consent to the erection and maintenance of stables and horse barns upon said grounds: Provided always, That the right of the public to control, repair and use all such highways and streets as are now or may hereafter be used and necessary for the public travel through or across said grounds shall not be affected hereby: And further provided, That the public shall not be liable for the condition, safety or repair of such streets, alleys or highways, as may be laid out and used under the authority of said association. The board may also prohibit or consent to the holding of meetings or assemblies for religious or other purposes upon its grounds, and may fix and determine the terms and conditions upon which hotels and boarding houses may be kept thereon.

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History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-3 ;-- Am. 1895, Act 116, Imd. Eff. May 4, 1895 ;-- CL 1897, 7646 ;-- CL 1915, 10069 ;-- CL 1929, 10334 ;-- CL 1948, 455.58

455.59 Board of trustees; by-laws and orders, amendment, rescission.

Sec. 9.

Such board of trustees may from time to time make such orders and by-laws relating to the matters hereinbefore specified and to the business and property of the association as shall seem proper, and may amend the same from time to time, provided always that the same may be amended or rescinded by a majority vote at any annual meeting of the association.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-4 ;-- Am. 1895, Act 116, Imd. Eff. May 4, 1895 ;-- CL 1897, 7647 ;-- CL 1915, 10070 ;-- CL 1929, 10335 ;-- CL 1948, 455.59

455.60 Violation of by-laws; penalty.

Sec. 10.

Any person who shall violate any of such by-laws made as in said last section provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding 25 dollars or imprisonment in the county jail not to exceed 30 days, or by both such fine and imprisonment in the discretion of the court, which fine shall go to the same fund as other fines for misdemeanor in the township where such association lands may be located.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-5 ;-- Am. 1895, Act 116, Imd. Eff. May 4, 1895 ;-- CL 1897, 7648 ;-- CL 1915, 10071 ;-- CL 1929, 10336 ;-- CL 1948, 455.60

455.61 Marshal; appointment by board of trustees, compensation, duties, removal, powers, responsibility.

Sec. 11.

The board of trustees may, for the preservation of peace and good order, appoint a marshal, whose duties and compensation shall be fixed by such board in and by a by-law passed and approved as hereinbefore provided for the adoption and approval of its by-laws; he shall have all the powers conferred upon, and the duties required of, constables elected under the general laws of this state, for the preservation of peace and good order upon the grounds of the association; and said association shall in its corporate capacity be held responsible to the public and parties interested for his official conduct in lieu of other bonds or security therefor; he may be removed at any time by a 2/3 vote of the trustees, with or without cause. In all cases where any fees or expense shall be due to or incurred by him in the discharge of his duties in any matter that would be an offense against the general laws of the state, his fees and charges shall be regulated and paid in the same manner as other constables, but in all matters under the by-laws or regulations of the association, provision shall be made therein for his payment by the association.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-6 ;-- CL 1897, 7649 ;-- CL 1915, 10072 ;-- CL 1929, 10337 ;-- CL 1948, 455.61

455.62 Marshal; authority over person arrested.

Sec. 12.

The marshal shall have authority to take any person arrested, before the district or municipal court of the judicial district or municipality in which the association lands are situated, to be dealt with according to law.

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History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-7 ;-- CL 1897, 7650 ;-- CL 1915, 10073 ;-- CL 1929, 10338 ;-- CL 1948, 455.62 ;-- Am. 1991, Act 152, Imd. Eff. Nov. 25, 1991

455.63 Property; injury or destruction, penalty.

Sec. 13.

Any person who shall willfully destroy, injure or remove any statuary, fence, fountain, hydrant, building or other structure placed on the grounds of the association, any dock, landing, quay or boat house thereon, or boat upon the waters upon which such lands are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any tree, shrub or plant upon such grounds, or shall deposit in any spring, stream, reservoir or water pipe, or water upon or within such grounds or in front thereof, any filth or impurity, or who shall in any way injure any water pipe, lock or reservoir for the storage or passage of water along or upon such grounds, or any sewer or drain, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding 25 dollars, or imprisonment in the county jail not exceeding 30 days, or by both such fine and imprisonment, in the discretion of the court.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-8 ;-- Am. 1895, Act 116, Imd. Eff. May 4, 1895 ;-- CL 1897, 7651 ;-- CL 1915, 10074 ;-- CL 1929, 10339 ;-- CL 1948, 455.63

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455.64 Property; taxation, exemption.

Sec. 14.

The property of such corporation shall be subject to taxation, except all houses of public worship, and also all school buildings used exclusively for school purposes and the lot upon which they stand, and the furniture therein, which shall be exempt therefrom.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983e-9 ;-- CL 1897, 7652 ;-- CL 1915, 10075 ;-- CL 1929, 10340 ;-- CL 1948, 455.64

455.65 Property; disposition; conflict of powers and duties.

Sec. 15.

Every corporation organized under the provisions of this act may, at any time within 2 years next preceding the time fixed for the termination of its existence, make such disposition of its property, real and personal, as a 2/3 majority of the members present and voting at an annual meeting may, by vote, direct: And provided, That at the time of organization or whenever during the existence of any such corporation the lands of such association shall be embraced within the corporate limits of any city or village, that then the powers and obligations herein conferred upon such association and its officers partaking of a public or municipal nature, so far as the same shall conflict or interfere with the powers and duties of such city or village, those of said association shall to that extent be suspended and the provisions of this act are and shall be limited in their operation in that regard.

History: 1889, Act 39, Imd. Eff. Mar. 29, 1889 ;-- How. 3983f ;-- CL 1897, 7653 ;-- CL 1915, 10076 ;-- CL 1929, 10341 ;-- CL 1948, 455.65

455.66 Assessment of association.

Sec. 16.

Whenever the board of trustees of any such association shall serve upon the assessing officer of the township, city or village in which its real estate is situated a notice in writing, signed by its secretary and under its corporate seal, requesting that all of the cottages and buildings owned by its lessees, situate upon the lands of the association, and not exempt from taxation as hereinbefore provided, be assessed to the association as a part of its real estate, the same as if owned by it, then and thereafter all such real estate and cottages, and buildings thereon, shall be assessed to such association as real estate and taxes paid thereon, by the association the same as if in fact the owner thereof, and no lease had been made.

History: Add. 1901, Act 57, Imd. Eff. Apr. 11, 1901 ;-- CL 1915, 10077 ;-- CL 1929, 10342 ;-- CL 1948, 455.66

455.67 Assessment; collection from members.

Sec. 17.

Whenever the real estate of any such association and the cottages and buildings thereon shall be assessed to the association and taxes paid as provided in the last preceding section, the association may assess, levy and collect from its several lessees, owners of cottages and buildings, such fair and just proportion of the taxes thus levied and paid as the value of such cottages and buildings shall bear to the total valuation of such real estate assessed in the manner aforesaid, such assessment and levy to be made in the manner hereinafter provided, and the amount to be paid by any such owner or lessee when so fixed and determined shall constitute and be a debt against such owner of and a lien upon the cottage or building thus assessed, payable with interest as hereinafter provided, and the association may enforce the payment thereof in the same manner as in the case of non-payment of rent or non-performance of any condition in the lease under which said lessee holds, and no transfer or assignment of any such lease shall be valid until such assessment or tax is paid.

History: Add. 1901, Act 57, Imd. Eff. Apr. 11, 1901 ;-- CL 1915, 10078 ;-- CL 1929, 10343 ;-- CL 1948, 455.67

455.68 Board of assessors; election, terms, vacancy.

Sec. 18.

There shall be elected at each annual meeting of the association, or at some special meeting thereof called for that purpose, 3 assessors, members of the association, to be known and called the board of assessors, who shall hold their office until the next annual meeting. In case of a vacancy in such board, caused by death, resignation, failure to accept office, or otherwise, the board of trustees may fill such vacancy by the appointment of some suitable member of the association, who shall hold the office until the next annual meeting.

History: Add. 1901, Act 57, Imd. Eff. Apr. 11, 1901 ;-- CL 1915, 10079 ;-- CL 1929, 10344 ;-- CL 1948, 455.68

455.69 Board of assessors; members, assessment; trustees, report; interest; fees.

Sec. 19.

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It shall be the duty of such board of assessors and they are hereby authorized and empowered, to ascertain the amount of all taxes paid by the association, as herein contemplated, as soon as practicable after the payment thereof, and thereupon to fix and determine on the basis aforesaid the sum or sums of money to be paid to the association by each of the owners of such cottages or buildings as his, her, or their just proportion of taxes paid by the association, and shall report to the board of trustees such determination and finding in writing, and the sum or sums of money thus fixed and determined, as shown by said report, shall be final and conclusive upon all parties, and shall constitute an indebtedness and lien as aforesaid payable from the date of filing of such report with the collection fees allowed township treasurers for the collection of taxes. To all taxes unpaid on the first day of March next after their assessment, there shall be added interest and collection fees at the same rate as provided by law for the non-payment of taxes on and after said date.

History: Add. 1901, Act 57, Imd. Eff. Apr. 11, 1901 ;-- CL 1915, 10080 ;-- Am. 1929, Act 218, Eff. Aug. 28, 1929 ;-- CL 1929, 10345 ;-- CL 1948, 455.69

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455.70 Board of assessors; report; board of trustees, additions and corrections.

Sec. 20.

The board of trustees may correct any error or mistake in such report in the name of any owner or lessee of any such cottage or building, or of the description of the premises upon which the same is situated, and insert therein the right name and description of any such premises, and may also insert therein any cottage or building liable to be assessed as herein contemplated which does not appear in such report with apt description thereof, and assess and determine the just and fair amount that should be paid by the owner thereof, and the amount thus determined shall constitute a debt against the owner of such cottage or building and a lien thereon, and have the same force and effect as if made by said board of assessors and embraced in their report.

History: Add. 1901, Act 57, Imd. Eff. Apr. 11, 1901 ;-- CL 1915, 10081 ;-- CL 1929, 10346 ;-- CL 1948, 455.70

455.71 Board of assessors; report, majority rule.

Sec. 21.

The finding and determination and report of a majority of the members of the board of assessors, as set forth in their report, shall have the same force and effect as if the same had been made and the report signed by the entire board.

History: Add. 1901, Act 57, Imd. Eff. Apr. 11, 1901 ;-- CL 1915, ORYDATA> ;-- CL 1929, 10347 ;-- CL 1948, 455.71

455.72 Highway assessments; expenditure.

Sec. 22.

All moneys assessed, levied and paid upon the property of such association for highway purposes, including labor tax or assessment, shall be expended and laid out upon the highways and streets upon or running across the lands of the association at such time and times, at such place and places, and in such manner as shall be directed by the board of trustees, or by the association's superintendent of the grounds: Provided always, That such expenditure shall not

in any manner do away with, lessen or abridge the jurisdiction and control of the association or its trustees over or upon such streets and highways hereinbefore granted.

History: Add. 1901, Act 57, Imd. Eff. Apr. 11, 1901 ;-- CL 1915, 10083 ;-- CL 1929, 10348 ;-- CL 1948, 455.72

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