

**VILLAGE OF VERMONTVILLE, EATON COUNTY, MICHIGAN
CODE OF ORDINANCES
ARTICLE SIX: ADMINISTRATION AND FINANCE**

The ordinances adopted by the Village of Vermontville pertaining to the administration of the Village and the Finance of its activities are assembled in this Article Six: Administration and Finance.

CHAPTER 50 SPECIAL ASSESSMENTS

- 50.1 PURPOSE.** This Chapter shall provide a special assessment procedure to be used, including when special assessments may be levied, hearings for such improvements, specifications, estimated costs, the preparation, hearing and the correction of special assessment roll(s), the collection of special assessments, the assessment of single lots or parcels, and any other matter concerning the making of improvements by special assessment, including the authorization of additional assessments, refunding of certain excess assessments, establishing a debt against the owner of said premises, and providing for a limitation of actions relative to challenging any special assessment, defining certain terms, and providing for cumulative remedies.
- 50.2 DEFINITIONS.** In the interpretation of this Chapter the following definitions shall apply:
- A. "Cost" shall refer to the cost of any public improvement' and shall include the cost of surveys, plans, land, right of way(s), spreading of rolls, notices, a dvertising, financing, construction, and legal fees and all other costs incident to the making of such improvement, the special assessment's therefore and financing thereof.
 - B. "Public Improvement" shall mean any improvements upon public property, right o f way or easement, which results in special benefit 'to the real property in the vicinity of such improvement.
 - C. "Chapter VIII" shall mean Chapter VIII of the 1895 Public Act 3, as added by 1974 Public Act 4. All provisions of Chapter VIII are incorpora ted herein by reference. In case of conflict between Chapter VIII and other provisions of this Chapter, the provisions of Chapter VIII shall prevail. Public Act 3 of the 1895 Public Acts of Michigan is commonly known as the general law village charter, which is the charter of the Village of Vermontville.
- 50.3 SPECIAL ASSESSMENT.** The entire cost or any part thereof of all improvements may be defrayed by special assessment upon the lands especially benefited by the improvement in the manner hereinafter provided.
- 50.4 INITIATION OF PUBLIC IMPROVEMENTS.** Proceedings for making public improvements may be initiated by resolution of the Council or by a petition of a majority of the owners of the land

liable to be assessed in any proposed special assessment district. All public improvements shall be made at the discretion of the Village Council and no petition shall be mandatory upon the Village Council.

- 50.5 FORM OF PETITIONS.** All petitions for public improvements shall be on forms supplied by the village and shall include an affidavit by one (1) or more of the circulators that the signatures appearing thereon are genuine and each signer declares himself or herself to be the owner of the interest in the land indicated. All such petitions shall be filed with the Village Clerk who shall record the filing date thereon and report the receipt of all such petitions to the Village Council at the next regular meeting following receipt of any such petition.
- 50.6 INVESTIGATION.** All petitions for public improvements shall be investigated by the Village Clerk to determine whether a sufficient number of village signatures have been obtained, and, if such investigation discloses a deficiency, the said petition shall be returned to the circulator with notice of the fact. Where any lot or parcel of land is owned by more than one (1) person, each person having an interest must join in the petition. A petition containing the required number of valid signatures shall be acted upon by the Council either to accept, defer, or reject such petition.
- 50.7 REQUEST FOR REPORT.** Upon acceptance of a special assessment project petition, the Council shall refer the same to the department of public works, appropriate committees, or engineering firm or engineer, the probable cost of such improvement, any report(s) concerning need for such improvement, and the desirable extent of such improvement. The Village Council shall determine what proportion of the cost will be paid by special assessment upon the property especially benefited and what proportion, if any, should be paid by the village at large. The Council shall not order the making of any special assessment improvement prior to the filing of the aforementioned report and until after a public hearing has been held for the hearing of objections to the making of such special assessment improvements.
- 50.8 FILING OF REPORT AND NOTICE OF HEARING.** If the Council determines to proceed with the public improvement it shall approve the report as required and/or as modified by Council, the Council shall file the report with the clerk for publication, and Council shall fix a time and place for hearing on objections to the proposed improvement or to the inclusion of any property within the proposed district, at which hearing all persons owning property within the proposed special assessment district may be heard. No hearing on the improvement shall be required if a petition for such public improvement is signed by all of the property owners to be assessed for the improvement. The clerk shall place notice of the time and place of such hearing to be published once in a newspaper published and/or circulated within the Village of Vermontville not less than ten (10) days prior to the date of said hearing. Such notice shall describe the proposed special assessment district, the nature of the improvement, and shall state any engineer's report and estimate of the costs is on file with the Village Clerk for public examination. A like ten (10) day notice shall be sent by mail as prescribed in public act 162 of 1962, the State of Michigan. The hearing required by this section may be held at any regular, adjourned, or special meeting of the Vermontville Village Council.

- 50.9 OBJECTIONS AND MODIFICATIONS.** The Council, after hearing objections, may at or after said public hearing modify the said proposed improvement or district in any respect which the Council deems in the best interests of the village at large, provided, that in the event the amount of work is increased or the boundaries of the district enlarged, then another hearing shall be held pursuant to the notice required by this Chapter.
- 50.10 DETERMINATION TO MAKE IMPROVEMENTS.** After completion of the hearing on improvement, the Council may, by resolution, determine to make the improvements and to defray the whole cost or any part of the cost by special assessment upon the property especially benefited in proportion to the benefits thereto. By such resolution the Council shall determine the necessity for the improvement, approve the plans and specifications for the improvement, determine the cost, determine what proportion of the cost shall be paid by special assessment upon the property especially benefited and what part, if any, shall be a general obligation of the village, designate the district or land and premises upon which the special assessment shall be levied, and direct the treasurer and assessor to prepare a special assessment roll in accordance with the Council's determination. In the event that neither the proceeds of the special assessment or the proceeds of bonds payable from the special assessment are required to defray the expense of the public improvement, the Council may order the work to be done by contract or with village forces. If, prior to the adoption of the resolution authorizing the making of the public improvement, written objections thereto have been filed by the owners of the property in the district which, according to estimates, will be required to bear more than fifty (50%) percent of the cost thereof, or by a majority of the owners of the property to be assessed, no resolution determining to proceed with the improvement shall be adopted except by affirmative vote of four (4) members of the Village Council.
- 50.11 SPECIAL ASSESSMENT ROLL.** The Village Treasurer and Assessor of the village shall prepare a special assessment roll of all lots or parcels of land within the special assessment district benefited by the proposed improvement, as finally determined by the Council, and assess each lot or parcel of land, the amount benefited thereby.
- 50.12 NOTICE OF HEARING ON ROLL.** When the said special assessment roll shall have been reported to the Council, they shall order the same filed in the office of the clerk for public examination and shall fix the time and place to review the roll, and direct the clerk to give notice of a public hearing. Such notice shall be given by one (1) publication in a newspaper printed and/or circulated in the Village of Vermontville for at least ten (10) days prior to the holding of the hearing, and by mail as prescribed in Public Act 162 of the Public Acts of Michigan, 1962.
- 50.13 HEARING ON ROLL, REVISION AND APPROVAL.** The Council shall review such special assessment roll and consider all objections thereto. The Council may correct or amend said roll as to any assessment or description of property or any matters appearing therein. If, after hearing all objections, the Council determines that assessments are in proportion to the benefits derived, it shall pass a resolution reciting such determinations, confirming such roll and directing the clerk to transmit the assessment roll to the treasurer for collection of various

amounts on said roll in accordance with Council resolution. Such resolution shall state the date upon which the special assessment, or the first installment thereof, if payments are to be allowed, shall be due and payable, the number of annual installments in which the special assessment shall be paid, and the rate of interest to be charged upon each deferred installment. Such roll shall have the date of confirmation endorsed thereon by the clerk and be final and conclusive for the purpose of the improvement to which it pertains.

- 50.14 LIEN.** All special assessments contained in any special assessment roll including any part thereof to be paid in installments shall from the date of confirmation of such roll constitute a lien upon the respective lots or parcels of land assessed and until paid shall be a charge against the respective owners of the several lots and parcels of land and a debt to the Village of Vermontville from the persons to whom they are assessed. Such liens shall be of the same character for the village taxes and shall include accrued interest and fees.
- 50.15 COLLECTION OF THE ROLL.** After the Council has confirmed the roll, the treasurer shall notify by mail each property owner on the assessment roll that the said roll has been confirmed and filed, stating the amount assessed. Failure to receive notice shall not invalidate any special assessment nor excuse the payment of interest or collection fees, or both. Each property owner shall have ninety (90) days from the date of confirmation of the roll to pay said assessment in full or any part thereof in a sum not less than the first installment thereof as set by Council, without interest, fees, or penalty. Following said ninety (90) days, the property owner may pay all of this assessment at any time, but shall be required to pay interest thereon as fixed by Council. If a special assessment or the first installment thereof remains unpaid as of the last day of February following the date of confirmation of the roll, there shall be added interest at the rate set by the Council beginning ninety (90) days from the date of confirmation of the roll to the first day of July following the said last day of February and said assessment shall be spread upon then current tax roll for the collection of taxes in the village and collected in the same manner and subject to the same fees and penalties as taxes. The second and remaining installments shall be spread upon the succeeding village tax rolls, together with interest beginning ninety (90) days from the date of confirmation of the roll, until all installments are paid.
- 50.16 ASSESSMENT FOR ABATING HAZARDS AND NUISANCES.** In the event it shall be necessary to abate a hazard or nuisance, the Council shall determine what amount or part of such expenses shall be charged, and designate the property upon which the same shall be levied as a special assessment. The Council shall require that the persons chargeable therewith be notified by the Village Clerk either by first class mail, or if the owner or owner's address is unknown, by posting notice upon the premises affected. Such notice shall state the basis for the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty (30) days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the clerk to the Council, which shall direct the treasurer to spread the amounts against the descriptions of the property chargeable therewith on the next general tax roll for the collection of taxes in the village.

This shall be known as the single lot or parcel assessment procedure as described in said Chapter VIII and may also be used to collect all or part of the cost of construction or repair of sidewalks and similar improvements.

- 50.17 ADDITIONAL PROCEDURES.** In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any special assessment, the Council shall provide, in the resolution authorizing the improvement, the additional steps or procedures required.
- 50.18 CONTESTED ASSESSMENTS.** No suit or action of any kind shall be instituted for the purpose of contesting or enjoining the collection of any special assessments except in conformity with Section 34, Chapter VIII (MCL 68.34).
- 50.19 REASSESSMENT FOR BENEFITS.** Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for collection thereof shall be conducted in the same manner as provided for an original assessment and whenever any sum or part thereof levied upon any property in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the reassessment. If the payments exceed the amount of the reassessment, refunds shall be made.
- 50.20 COMBINATION OF PROJECTS.** The Council may combine several districts into one (1) project for the purpose of effective savings in the cost.
- 50.21 ACTUAL COST AND REFUNDS.** The Village Clerk shall within sixty (60) days after the completion of each local or special public improvement compile the actual cost thereof and certify the same to the treasurer who shall adjust the special assessment roll to correspond therewith. Should the assessment prove larger than necessary by five (5%) per cent or less, the same shall be reported to the Council which may place the excess in the treasury or make a refund thereof pro rata according to the assessment. If the assessment exceeds the amount necessary by more than five (5%) per cent, the entire excess shall be credited to the owners of property as shown by the village assessment roll upon which such assessment has been levied pro rata according to the assessment, provided however, that no refunds of special assessments may be made which impair, or contravene the provision of any outstanding obligation or bond secured in whole or part by such special assessments.
- Refunds shall first be credited against future unpaid installments and any balance shall be paid to the person who paid the assessment, by check.
- 50.22 ADDITIONAL SPECIAL ASSESSMENTS.** Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, or to pay the principal and interest on bonds issued in anticipation of the special assessment. Provided, however, that any additional pro rata assessment shall not exceed ten (10%) per cent of the assessment as originally confirmed,

unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be provided for in the case of review of the original special assessment roll.

50.23. PENALTY. There are no penalties provided for the violation of this Chapter, except those provided under law for failure to pay installments and/or the failure to pay property taxes on a lot or parcel which is special assessed.