

Michigan, 1899

LOCAL ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN

PASSED AT THE

REGULAR SESSION OF 1899

WITH AN APPENDIX



BY AUTHORITY

LANSING, MICHIGAN
ROBERT SMITH PRINTING CO., STATE PRINTERS AND BINDERS
1899

The People of the State of Michigan enact:

Section amended.

SECTION 1. That section thirty-eight of act number three hundred sixty of the local acts of eighteen hundred seventy-one, being an act, entitled "An act to Create a Fire Commission in the City of Detroit," approved March eighteenth, eighteen hundred seventy-one, as amended by act number three hundred sixty-four of the local acts of eighteen hundred seventy-seven, approved May twenty-third, eighteen hundred seventy-seven, as further amended by act number four hundred twenty-seven of the local acts of eighteen hundred ninety-seven, approved May seventh, eighteen hundred ninety-seven, be and the same is hereby amended so as to read as follows:

Leave of absence, how granted.

SEC. 38. The leave of absence of all officers of said department above the rank of captain shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of fourteen days once per year. The leave of absence of all officers and men in said department below the rank of chiefs of battalion shall be, for each, one day of twenty-four hours off duty in every five days, and a furlough of ten days once per year.

This act is ordered to take immediate effect.

Approved May 17, 1899.

[No. 408.]

AN ACT to transfer to the City of Detroit the title to all the property of every name and nature now owned, operated and controlled by the board of Water Commissioners of the City of Detroit, under the powers, rights and privileges granted said board of Water Commissioners by an act entitled "An act to amend the laws relative to supplying the City of Detroit with pure and wholesome water," approved February fourteen, eighteen hundred fifty-three, and the acts amendatory thereto, and to give to said City of Detroit the possession, control and operation and management of said property, and to repeal all acts and parts of acts in conflict herewith.

The People of the State of Michigan enact:

Rights, property, etc., how vested.

SECTION 1. That on the first day of July, eighteen hundred ninety-nine, all the authority, rights and powers heretofore exercised and had by the board of water commissioners of the city of Detroit shall no longer be exercised and had by them from and after said date, but shall be continued to, and vested in said city of Detroit for the purpose of supplying said city and the inhabitants thereof with pure and wholesome water. All

lands, lots, docks, buildings, machinery, pipes, logs, hydrants, mains, settling-basins, intake pipes and appliances, and all other property, fixtures and appliances whatsoever, purchased, designated or used for the present water-works, owned by, or standing in the name of the board of water commissioners of the city of Detroit, are hereby conveyed to, and vested in the city of Detroit, which shall hereafter have full power to regulate, protect, control and operate the same; and for this purpose shall have power to procure, purchase or construct the necessary buildings, engines and other machinery and appliances and fixtures to maintain, operate, extend and improve the system of water-works herein conveyed. The operation, extension and improvement of said system as above provided, and all work incident thereto, and all work of laying the necessary pipes, mains or aqueducts for the purpose of distributing water in the city, shall be under the direction and supervision of the board of public works of said city. No lands, engines, pipes nor new machinery shall be purchased or contracted for, nor buildings erected, except by the direction of the common council, on the recommendation of the board of public works in the same manner as is now provided by law for the confirmation by the common council of contracts of the board of public works.

SEC. 2. The city shall have power to lay pipes in the highways, alleys and public places in said city, and whenever, it shall become necessary to lay pipes, mains or aqueducts in or through any private property, and acquire therefor either the title to land or easement therein condemnation proceedings for such purpose may be instituted and conducted in the Recorder's court of said city in like manner as like proceedings for the condemnation of lands for highways may by law be instituted and conducted: *Provided*, That no such proceedings shall be instituted by the common council without the recommendation of the board of public works and a report in writing from the city engineer. The right to lay pipes, mains or aqueducts in or through private property may be acquired by agreement with the owners thereof. No such agreements, entered into by the board of public works, shall have any binding force nor be legal, unless approved by a two-thirds vote of the common council.

SEC. 3. The common council shall have power, upon the recommendation of the board of public works, to direct the purchase of any land necessary for the maintenance and operation of said water-works and to direct the erection of buildings thereon; also, upon like recommendation, to direct the purchase of new engines or machinery whenever the same may be needed. But no such expense shall be incurred until the money for such purpose has been raised, appropriated or is on hand for such purpose. It shall also have power to adopt ordinances to carry out the purposes and provisions of this act, and to regulate the distribution, use and consumption of

City to have power to lay pipes in highways, alleys, etc.

Proviso.

Relative to agreement for use of private property. Approval of council necessary.

Power of council relative to lands, buildings, etc.

Expense, how provided for.

Council to adopt ordinances to carry out provisions of act.

water, and to protect and preserve the property and appliances of and connected with the water-works system.

Lawful indebtedness of water commissioners assumed by city.

Certain moneys to constitute water works sinking fund.

Whom to have custody of fund.

City to carry out present lawful contracts.

What claims constituted lawful.

Pending suits, how prosecuted, what excepted.

Power to re-issue bonds, when shall have.

Record of issued or cancelled bonds to be kept. Duty of council to make certain tax assessments.

Where tax to be credited.

How used.

Council may erect drinking hydrants.

SEC. 4. All the outstanding bonded indebtedness and all other lawful indebtedness of the board of water commissioners of the city of Detroit shall be assumed and paid by the city of Detroit, as the same shall fall due, and all the moneys now set apart as a sinking or other fund for the payment of such bonds are hereby constituted a water-works sinking fund, which shall be applied to the payment of such bonds, and shall not be used for any other purpose. All moneys now set apart by said board of water commissioners to pay its contract or other legal indebtedness shall be kept and used for such purpose and no other. The commissioners of the sinking fund of said city shall have the custody of and shall have the same powers and authority with respect to said sinking fund as the said commissioners have by law in respect to the sinking fund of said city. All lawful contract obligations now entered into by said board of water commissioners shall be fully kept, performed and carried out by the city of Detroit, and the common council shall have power to make such provisions therefor as may be necessary. All lawful claims by or against the board of water commissioners of the city of Detroit which shall exist on July first, eighteen hundred ninety-nine, except matters in controversy between said board and the city of Detroit, are hereby constituted lawful claims by or against the city of Detroit. All suits by or against said board of water commissioners which are pending July first, eighteen hundred ninety-nine, may be prosecuted to final judgment by or against the city of Detroit, except where the matter in controversy is between said board of water commissioners and said city. If at any time there shall not be sufficient funds on hand to meet any of the bonds at the time when they shall fall due, the common council shall have the right to direct the issue of new bonds to an amount necessary to take up and cancel those falling due, but for no greater amount. A proper record shall be kept of all bonds issued or cancelled. It shall be the duty of the common council to cause to be levied and assessed annually upon the taxable property of the city, the sum of seventy-five thousand dollars, the same to be included in each annual tax assessment levied in said city, and the same shall not be required to be submitted to the board of estimates or to the vote of the freemen of the city. When such tax is collected it shall be credited to the water-works sinking fund, which is hereby required to be established. Said seventy-five thousand dollars shall be used: First, To pay the interest on the outstanding bonded indebtedness, and Second, the surplus, if any, shall be applied to the payment of outstanding bonds as the same shall fall due, and for that purpose shall remain in the sinking fund until used.

SEC. 5. The common council, upon recommendation of the board of public works, may order drinking hydrants to be erected for public use in said city and keep the same in repair;

and, upon the recommendation of the commissioners of parks and boulevards, may cause fountains to be erected in such public grounds and public parks of the city as is deemed expedient.

SEC. 6. The said board of public works shall have a separate department, to be known as the water department of the board of public works. It shall have power to employ a superintendent, clerks and such other persons as may be necessary to perform the work and duties provided for by this act, and to specify their duties. The common council may fix their compensation. The term of office of such superintendent of the water department shall be three years. He may be removed for cause shown by the common council by a two-thirds vote of all its members. The grounds of such removal shall be stated in writing and he shall be given an opportunity to be heard in defense. Said board of public works shall divide and classify the work of the water department, so far as the same may be done, and shall keep a true and accurate account of the cost of each branch, showing the amounts expended for original improvements or construction, and the amounts for repairs and other expenditures. All such accounts shall be kept separate and distinct and in different books from all other accounts kept by said board. It shall send to the common council each week a classified statement of the work done in the several branches of the water department, which statement shall be referred to the city comptroller with the weekly pay roll. It shall keep a separate account of the cost of laying distributing pipes, aqueducts and mains hereafter laid so that the cost thereof in each block may be ascertained at any time and so that, whenever a pipe or main larger than six inches in diameter is laid, the cost of laying the six-inch pipe in each block, had it been laid, may also be ascertained. The just proportion of the cost of laying said six-inch pipes shall be assessed to each lot benefited. Such just proportion shall be ascertained by finding the ratio which the narrowest frontage of said lot bears to the entire frontage on both sides of the street or alley in the block where said lot is located. The amount of such just proportion due from each lot when ascertained shall be assessed as a special assessment upon such lot. The common council shall provide by ordinance for the collection for all such special assessments. Lots already supplied with water shall not be subject to special assessment for water pipes hereafter laid. No lot shall be supplied with water from any pipe, main or aqueduct hereafter laid without there is first paid to the city treasurer the just proportion of the cost of laying a six-inch pipe in the street or alley on which said lot abuts, with interest thereon from the time said pipe is laid. Such money when paid shall be credited to the water department construction fund.

Fountains in public parks.

Board of public works to have separate department. Right to employ clerical and other help.

Superintendent, term of office, removal of, etc.

Board to classify work, keep account of costs, etc.

How accounts to be kept.

Weekly statement to be sent council.

Cost of laying pipes, etc., how accounts to be kept.

Apportionment of costs.

Special assessments, how collection of provided for.

Water from pipes subsequently laid, cost of securing.

Water, pipes,
etc., distributed
outside of city,
when may.

Proviso.

Revenues of
water depart-
ment, how
divided into
funds.

Annual esti-
mates, when
submitted.

How treated by
city council.

How assessed
and collected.

Other esti-
mates, when
submitted.

Estimates for
domestic uses.

SEC. 7. No water shall be distributed outside of the city nor pipes, mains or aqueducts for such purpose be laid, without the consent of two-thirds of the common council, and upon such terms and conditions as may be prescribed by ordinance: *Provided*, That the present distribution of water outside of the city shall not be discontinued unless by virtue of the terms of the agreement under which it is distributed, or upon the recommendation of the board of public works and by a vote of two-thirds of all the members of the common council.

SEC. 8. The revenues and moneys of the water department of the board of public works shall be divided into the following funds, which are hereby required to be established, and shall be used for no other purpose: First, The construction fund, into which shall be paid all moneys received for the purpose of constructions and extensions, and out of which shall be paid the cost and expense of all construction and extensions; Second, The maintenance fund, into which all other receipts shall be paid except such as may be received for the payment of the bonded debt and interest thereon, and out of which shall be paid the cost of operating and maintaining the water system; Third, The sinking fund into which shall be paid all moneys received for the payment of the bonded debt, and interest thereon and out of which shall be paid the bonded debt and interest thereon.

SEC. 9. It shall be the duty of the board of public works to transmit to the common council of the city of Detroit, on or before the fifteenth day of February in each year, an estimate of the amount of moneys which said board may deem necessary for improving and enlarging the pumping works and plant of the water-works of the city of Detroit. Also an estimate of the amount of money said board may deem necessary to pay the cost of extending water mains and pipes and for any other purpose essential to the proper maintenance and operation of the water-works and water system of said city.

Such estimates, or so much thereof as the common council shall approve, shall be submitted to the approval of the board of estimates, at the meeting thereof required by law, for the approval of annual taxes voted by said common council; and so much of said estimates as shall be approved by the board of estimates shall be placed upon the general assessment rolls, and shall be assessed, levied and collected the same as other city taxes. Said money, when collected, shall be paid into the city treasury and shall be credited to the construction fund of the water department. They shall also transmit to the common council on or before the fifteenth day of February of each year an estimate of the total amount of money they deem necessary to pay the cost of maintaining and operating the water plant for the ensuing fiscal year, which shall include all necessary repairs. Such estimate or so much thereof as the common council and board of estimates shall approve, shall be levied and collected as hereafter provided. The board for fixing water rates as provided for in section ten of this act shall

prepare and transmit to the common council on or before the first day of May in each year an estimate of the amount of money they deem a just proportion of the total estimate for maintenance as a reasonable charge for the expense of furnishing water for domestic purposes to the inhabitants of the city of Detroit, such domestic purposes to include such use of water in and about places of residence as are usual for household purposes; and for water used for water closets and wash room facilities in all buildings used wholly or in part for other than residence or household purposes, to the city of Detroit including its agencies and municipal boards, the Detroit House of Correction, the public schools and such charities as the common council shall have determined to exempt from the payment of water rates, which estimate shall be in detail, specifying the objects of such expenditure, the sums desired for each and the reasons therefor. It shall be the duty of the common council to cause to be levied and assessed upon the taxable property of the city, the sum so stipulated as contemplated in the preceding paragraph and the same shall not be submitted to the board of estimates or to a vote of the freemen of the city. When such tax is collected it shall be paid into the city treasury and credited to the water department maintenance fund. The balance of the total estimate for operating expense shall be assessed as water rate to be paid by the owner or occupant of each house or other building having or using water, and against any persons using water, except for domestic purposes in the city of Detroit, upon such basis as they shall deem equitable; and such water rate shall become a continuing lien until paid, upon such house or other building, and upon the lot or lots upon which the house or other building is situated, and all such water rates when collected, shall be paid into the city treasury and credited to the water department maintenance fund. Any surplus of moneys remaining in the maintenance fund at the end of any fiscal year shall be applied to and credited to the maintenance fund of the ensuing fiscal year, and shall be used for no other purpose. Any surplus of money remaining in the construction fund at the end of any fiscal year shall be applied to and credited to the construction fund of the ensuing fiscal year, and shall be used for no other purpose. On and after the first day of July, eighteen hundred ninety-nine, the water rates as heretofore levied and collected by the water commissioners shall continue to be levied and collected under the supervision of the board of public works until the first day of July, nineteen hundred, when said rates shall cease, and thereafter the water rates shall be assessed and collected as provided for in this act.

SEC. 10. The Superintendent of the water department, the mayor, the president of the board of public works, the city comptroller and the city treasurer shall constitute a board for fixing water rates, which shall, on or before the first day of May of each year, fix a schedule of the water rates to be collected for the ensuing fiscal year, which schedule shall com-

Domestic uses, what include.

Public uses, what include.

Duty of council to levy tax.

Tax, how credited.

Balance of total estimate, how assessed and paid.

When water rate becomes a lien.

Surplus moneys, how applied.

Present rates, when become inoperative.

Board to fix water rates, whom to compose.

When to establish new schedule.

- Receiver of taxes to collect. ply with the requirements of the preceding section. The water rates so fixed shall be collected by the receiver of taxes in such manner and at such times as shall be provided by an ordinance by the common council.
- Controller's annual report to include financial condition of water department. SEC. 11. It shall be the duty of the city comptroller to include in his annual report a statement of the financial condition of the water department and of all outstanding indebtedness, and he shall at all times have access to the books and papers of the water department of the board of public works. He shall, on the first day of July, eighteen hundred ninety-nine, take possession of all books, papers, securities, moneys, records, memoranda, office furniture and fixtures belonging to or under the control of the board of water commissioners, their agents and servants, and said board of water commissioners, their agents and servants are hereby required to deliver and surrender to said city comptroller on said date all such books, papers, securities, moneys, records, memoranda, office furniture and fixtures of every name and nature belonging to them or under their control, and to yield up to said comptroller the control and direction of all the property relating to said water-works.
- When controller to take control of books, papers, property, etc.
- Duty of water commissioners, etc.
- Revenues from house of correction, how credited. SEC. 12. All the revenues received from the house of correction shall be credited to the water-works sinking fund, unless the same may be needed for the purchase of land, engines or new machinery, as provided in section one of this act, in which case it shall be used for such purpose, and if said revenues shall be insufficient therefor, then such an amount as may be necessary may be taken from the moneys received from liquor taxes. All of the bonds mentioned and provided for in this act shall continue to be exempt from the charter provision limiting the bonded indebtedness of the city of Detroit.
- When may use liquor tax.
- Bonds exempt from limitation.
- Penalty for wilful injury of property belonging to water-works. SEC. 13. Any person who shall wilfully injure, deface, cut, destroy or break any distributing pipe, main or aqueduct belonging to or connected with the water-works of the city of Detroit, or wilfully cut, break or disturb any inlet pipe or appliance for taking water out of the Detroit river into the settling basin, or wilfully break or injure any pumping engine or any part thereof, shall be deemed guilty of a felony, and on conviction thereof shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding one thousand dollars, and imprisonment in the Wayne county jail not more than one year.
- This act is ordered to take immediate effect.
Approved May 24, 1899.