

Barton Hills Village
Washtenaw County, Michigan

ORDINANCE NO. 53

THE BOARD OF TRUSTEES OF BARTON HILLS VILLAGE ORDAINS THAT TITLE I, CHAPTER 5 OF THE BARTON HILLS VILLAGE CODE BE AMENDED AS FOLLOWS:

An Ordinance to amend the Code of Barton Hills Village by adding a new Section in Chapter 5, which new Section shall be designated as Section 1:52 et seq. of the Code; and to amend the name of Chapter 5 to “Special Assessments.”

I. Amendment of the name of Chapter 5.

The name of Chapter 5 is amended to “Chapter 5- Special Assessments”

II. Addition of new Section 1.52 et seq.

New Sections 1.52 et seq. are added to Chapter 5 to establish the procedures for the creation of special assessment districts to defray the costs of public improvements, repairs, or services.

1:52- Power to Levy Special Assessments

The Village Board of Trustees shall have the power to determine that the whole or any part of the cost of the acquisition, construction, repair, maintenance, or replacement of any improvements, or the cost of the provision of any public service within the Village may be defrayed by a special assessment upon the property especially benefited.

1:53- Initiation of Proceedings

Special assessment proceedings may be initiated by the Village Board of Trustees or by a petition of the owners of land within the Village for which the improvement petitioned will benefit. Such a petition shall be only advisory to the Board and shall be on a form approved by the Board. Any such petition shall be filed with the Village Clerk. Notwithstanding the above, the Board need not consider any such petitions unless they contain the signatures of the record owners of not less than 51 percent of the area proposed to be included within a special assessment district.

1:54- Direction by Resolution to Prepare Plans

When the Board determines the advisability of considering the acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, and

paying for such activities by a special assessment, the Board shall by resolution direct the preparation of a report to it, which report shall include plans and specifications of the proposed activity, an estimate of the cost of such activity, what portion of the cost shall be paid by special assessments and what, if any, portion shall be paid by the Village, the number of installments for such assessment, the interest to be charged on deferred installments, the land on which the assessment would be levied, and such other information as the Board shall direct.

1:55- Filing of Report

The report shall contain the information requested, as well as a description of all properties, estimated by the person directed to prepare the report, to be benefited by the proposed activity. The report shall be filed with the Village Clerk.

1:56- Public Hearing on Necessity of Activity

Either at the time of the resolution calling for the preparation of such report or thereafter, the Board shall, by resolution, establish a date for a public hearing and provide for the giving of at least ten (10) days notice of such hearing in the manner provided below.

1:57- Notice of Public Hearing

The Board shall approve the form of a notice of public hearing for a hearing under this Chapter, which notice shall describe the acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, and shall describe the proposed special assessment district. The notice of hearing shall be published at least once in a newspaper published or circulated in the Village, and the Board shall also give notice to each owner or party in interest in property to be assessed whose name appears upon the last local tax assessment records, by mailing by first class mail addressed to such owner or party in interest at the address shown on the tax records. The "last local tax assessment records" means the last assessment roll for ad valorem tax purposes which has been reviewed by the local Board of Review as supplemented by any subsequent changes in the names or the addresses of the owners or parties listed on it.

1:58- Public Hearing

At the time and place specified in such resolution for public hearing, the Board shall meet and hear any objections to the proposed acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, or to the proposed special assessment district, by any person affected by such activity to be provided. The hearing may be adjourned from time to time by announcement and without the necessity for further notice by publication or mail, and the Board may make any changes in the proposed activity or assessment district which shall seem reasonable or proper and in the best interests of the Village; provided however that the activity or the area in which it is proposed to be provided shall not be enlarged or extended without another public hearing held after giving notice of such hearing in the manner provided above.

1:59- Board Determination of Necessity

After the public hearing, the Board may by resolution determine to proceed with the acquisition, construction, repair, maintenance, or replacement of any improvements, or the provision of any public service, and to defray the whole or any part of the cost of such activity by assessments upon property especially benefited. The resolution shall include the approval of the plans and specifications on file with the Clerk, either as filed or as modified by the Board; shall establish the district which is to be especially benefited and upon which special assessments shall be levied; shall provide for the manner in which the assessment is to be levied by the assessor; and shall direct the assessor to spread the roll. The Board may also provide in such resolution that a portion of the cost of such activity shall be paid by the Village at large. Such resolution shall also provide for the number of installments in which each assessment may be paid.

1:60- Preparation of Assessment Roll

The assessor (or the Village Treasurer) shall thereupon prepare a special assessment roll, including all parcels of land within the special assessment district designated by the Board, and shall assess to each parcel of land such portion of the whole sum to be levied against all the lands in the special assessment district as the benefit to such lot or parcel of land bears to the total benefit to all lands in the district, as determined by the Board. Upon completion of such roll, the assessor (or Treasurer) shall attach to it his or her certificate to the effect that the assessments have been made pursuant to the resolution of the Board and provisions of this Chapter 5, at which time the assessor (or Treasurer) shall file the proposed roll with the Village Clerk.

1:61- Notice of Public Hearing on Assessment Roll

Upon filing of the proposed roll with the Clerk, the Board shall by resolution establish the time and place when it will meet and review such roll, which meeting shall be held not less than ten (10) days after notice has been given of such hearing as provided above in Section 1:57.

1:62- Board Determination on Assessment Roll

At the hearing provided for in Section 1:61 above, the Board shall review the roll and may confirm it as proposed or with such corrections as it may determine are appropriate; may refer the roll back to the assessor (or Treasurer) for revision; or may vote to abandon any further proceedings in connection with the activities. The roll shall not be confirmed unless by a majority of the Board. Furthermore, no original special assessment district roll shall be confirmed, if prior to such confirmation, written objections to the proposed improvement have been filed by owners of property which will be required to bear more than 50 (fifty) percent of the amount of such special assessment, except by the affirmative vote of 7 (seven) members of the Board. After confirmation, the roll and all assessments shall be final and conclusive unless A) contested in a court of competent jurisdiction within 30 (thirty) days after the date of confirmation; or B) in the case of an individual assessment, unless a protest was made by that owner or party in interest at the hearing to confirm the roll, and that owner has timely appealed the assessment to the Michigan Tax Tribunal.

1:63- Combination of Hearings on Necessity and Assessment Roll

As provided in Section 9.2 of the Village Charter, the Board may determine that it shall hold a single hearing to determine the necessity of such an activity and the confirmation of the special assessment roll. If the Board determines to hold a single hearing, it shall direct that a report be prepared as required by Section 1:54 above; that a roll be prepared as required by Section 1:60 above; and that notice of the public hearing be given as required by Sections 1:56 and 1:57 above.

1:64- Installment Payments

The first installment of any special assessment shall become due on September 14 of the year of the adoption of the resolution confirming the roll, and one installment shall be due every 12 (twelve) months thereafter. Furthermore, the Board may determine that the installment may become due at such time as the Village ad valorem taxes are otherwise assessed and are due.

1:65- Interest, Fees, and Penalties

The Board may determine that the unpaid part of any special assessment may bear interest at a rate of 4 % per annum from the due date of the first installment until said assessment shall have been paid in full. The same penalty and fee shall be collected on delinquent special assessments and upon delinquent installments of such special assessments as are provided for in the collection of delinquent taxes.

1:66- Reassessments, and Refunds of Excess Collections

If, upon the completion of any such project it is determined that the amount assessed will not be sufficient to pay that portion of the cost which the Board has determined shall be assessed against private property, the Board may make an additional assessment of such deficiency upon the property in the assessment district in the same ratio as the original assessment. If the amount assessed in the original assessment is five (5) percent or more greater than the actual cost of the project, the Board shall, by resolution, order such excess refunded proportionately to the then owners of the properties in the assessment district, provided however that there shall be no refund in any amount of \$10.00 or less; and provided further that the Board may determine that the excess may be placed in to the general fund of the Village. If any assessment is declared void or invalid by the Board or by a court of competent jurisdiction, the Board may undertake a reassessment pursuant to the procedures stated above.

1:67- Lien of Special Assessment

Special assessments and all interest, penalties and charges of such assessments from the date of confirmation of the roll shall be and remain a lien upon the property assessed of the same character and effect as a lien created by general law for state and county taxes, or the Village Charter for Village taxes, until paid. The failure of an owner to receive any notice required to be sent under this Chapter shall not invalidate any special assessment or any special assessment roll if such notice was in fact published and mailed as provided above. Any failure to give notice to

an individual owner or owners as required in this Chapter shall not invalidate an entire assessment roll. In no case shall any special assessment be declared invalid as to any property if the owner or party in interest thereof has actually received notice, or has waived notice.

1:68- Severability Clause

If any Section of Chapter 5 is found to be invalid or unconstitutional by any court of competent jurisdiction, that Section shall be deemed a separate, distinct and independent Section. Such a finding shall not affect the validity of the remaining sections, and the remainder of Chapter 5 shall remain in effect.

Date Adopted: February 13, 2017

Date Published: February 16, 2017

Date Effective: February 17, 2017

Cheryl MacKrell, Clerk

Will Boddie, President