DISPOSAL PLANTS
Act 261 of 1927

AN ACT to prevent the acquisition, construction, operation, maintenance or building of garbage disposal plants, garbage reduction plants, sewage disposal tanks, settling basins, apparatus or screens for the treatment of sewage matter in certain cities and villages without having first procured permission from said cities or villages; to provide for the enforcement of this act; to declare such acquisition, construction, operation, maintenance, or building, a nuisance, in certain cases; to provide a manner in which the consent of said cities and villages may be granted, and to provide a penalty for the violation of this act.

History: 1927, Act 261, Eff. Sept. 5, 1927.

The People of the State of Michigan enact:

123.271 Disposal plants; power to prevent construction.

Sec. 1. All incorporated cities and villages of this state shall have the power to prevent any other municipal or public corporation from acquiring, erecting, owning, operating, maintaining, managing, controlling or building garbage disposal plants, garbage reduction plants, sewage disposal tanks, settling basins, apparatus or screens for the treatment of sewage matter within the corporate limits of such cities or villages.

History: 1927, Act 261, Eff. Sept. 5, 1927;—CL 1929, 2482;—CL 1948, 123.271.

123.272 Required permit.

Sec. 2. It shall be unlawful for any individual, firm, private, public or municipal corporation to acquire, erect, own, operate, maintain, manage, control or build garbage disposal plants, sewage disposal plants, settling basins, apparatus or screens for the treatment of sewage matter within the corporate limits of any other city or village, without first obtaining a permit from said city or village in accordance with the provisions of this act.

History: 1927, Act 261, Eff. Sept. 5, 1927;—CL 1929, 2483;—CL 1948, 123.272.

123.273 Required permit; procedure to procure; disposal of sewage by municipality; members of municipality authority.

Sec. 3. Any public or municipal corporation desiring such permit shall make application for the granting thereof unto the legislative body of any city or village in which said work or plant is proposed to be located. Such application shall state the exact property within the city limits to be devoted to said plant and shall state the kind of work or plan contemplated and the size and capacity thereof and shall render such other information to the said legislative body as the latter may require. The proposal shall, in manner and form as said body may provide, be submitted to a vote of the electors of said city or village at the next general or special election, and if the granting of the permit be approved by a majority of the electors voting therefor, then the permit shall be granted: Provided, however, That nothing in this act shall prevent any city or village from disposing of its own sewage matter within its own corporate limits or in territory outside thereof which is not within the limits of any other incorporated city or village without obtaining a permit therefor as in this act required, or in any such plants and works actually in operation at the time of the passage of this act or enlargements thereto: Provided further, That nothing in this act shall prevent any city or village which is a member of an authority incorporated under Act No. 179 of the Public Acts of 1947, being sections 123.301 to 123.310, inclusive, of the Compiled Laws of 1948, for the purpose of the collection or disposal, or both, of garbage or rubbish, or both, from acquiring, erecting, owning, operating, maintaining, managing, controlling or building the equipment, trucks, buildings and plants by such authority which are necessary for the purposes of its incorporation, within the corporate limits of such city or village member, without obtaining a permit therefor as in this act required: Provided further, That nothing in this act shall be construed as authority to violate the provisions of any local zoning ordinance.

History: 1927, Act 261, Eff. Sept. 5, 1927;—CL 1929, 2484;—CL 1948, 123.273;—Am. 1952, Act 33, Imd. Eff. Mar. 31, 1952.

123.274 Declaration of nuisance; action.

Sec. 4. Any building, plant or work erected, constructed or carried on in violation of any the provisions of this act is hereby declared to be a nuisance and an action for the abatement of such nuisance may be brought in the name of the people of the state of Michigan, by the attorney general of the state of Michigan, or by any one or more of the property owners within the city or village in which said building, plant, or work is attempted to be placed in violation of this act.

History: 1927, Act 261, Eff. Sept. 5, 1927;—CL 1929, 2485;—CL 1948, 123.274.

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Compiler's note: The word “of” between “any” and “the provisions,” near the beginning of this section, appears to have been omitted.

123.275 Application of act.

Sec. 5. Nothing in this act shall in any way impair, impeach, or in any way affect any right of action in law or in equity that may now exist in addition to the provisions of this act for the prevention of building plants or works, named in this act, nor shall this act in any way affect the right of any city or village to enact ordinances for their protection against such building plants or works in this act named. This act shall not apply to sewage disposal tanks, settling basins, apparatus or screens for the treatment of sewage matter, where the same are located within the confines of any city or village whose sewage constitutes part of the total sewage entering such a facility.

History: 1927, Act 261, Eff. Sept. 5, 1927;—CL 1929, 2486;—CL 1948, 123.275;—Am. 1962, Act 21, Imd. Eff. Apr. 9, 1962.

123.276 Resolution as permit.

Sec. 6. Notwithstanding any other provision in this act, a resolution adopted by the legislative body of an incorporated city or village in this state authorizing and approving a contract with any other municipal or public corporation of this state with respect to the financing or location of or service from a garbage disposal plant, or garbage reduction plant in the corporate limits of the city or village constitutes a permit to acquire, improve, enlarge, extend, operate, and maintain the plant within the corporate limits of the city or village.

History: Add. 1989, Act 187, Imd. Eff. Aug. 24, 1989.

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