

SENATE BILL No. 728

February 19, 1992, Introduced by Senators HONIGMAN and EHLERS and referred to the Committee on Local Government and Urban Development.

A bill to amend sections 7 and 12 of chapter VII, section 2 of chapter IX, and section 1 of chapter XIV of Act No. 3 of the Public Acts of 1895, entitled as amended

"An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages,"

being sections 67.7, 67.12, 69.2, and 74.1 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7 and 12 of chapter VII, section 2 of
2 chapter IX, and section 1 of chapter XIV of Act No. 3 of the
3 Public Acts of 1895, being sections 67.7, 67.12, 69.2, and 74.1
4 of the Michigan Compiled Laws, are amended to read as follows:

CHAPTER VII

1
2 Sec. 7. The council shall ~~have supervision~~ SUPERVISE and
3 control ~~of all~~ public highways, bridges, streets, avenues,
4 alleys, sidewalks, PARKING FACILITIES, and public grounds within
5 the village ~~—~~ and shall have the like authority over the same
6 as is given by the general laws of the state. ~~No~~ A village
7 subject to the provisions of this act ~~shall be~~ IS NOT liable
8 ~~in~~ FOR damages sustained by ~~any~~ A person in ~~such~~ THE vil-
9 lage ~~—, either~~ to his OR HER person or property ~~—~~ by reason of
10 ~~any~~ A defective street, sidewalk, crosswalk, PARKING FACILITY,
11 or public highway ~~—~~ WITHIN THE VILLAGE or by reason of ~~any~~ AN
12 obstruction, ice, snow, or other ~~incumbrance~~ ENCUMBRANCE upon
13 such A street, sidewalk, crosswalk, PARKING FACILITY, or public
14 highway ~~, situated in such village unless such person shall serve~~
15 ~~or cause to be served~~ UNLESS THE PERSON SERVES, within 60 days
16 after ~~such~~ THE injury ~~shall have occurred~~ OCCURS, a notice in
17 writing upon the clerk or deputy clerk of ~~such~~ THE village. ~~—~~
18 ~~which~~ THE notice shall set forth substantially the time when and
19 place where ~~such~~ THE injury took place, the manner in which it
20 occurred, ~~and~~ the KNOWN extent of ~~such~~ THE injury, ~~as far as~~
21 ~~the same has become known,~~ and that the person receiving ~~such~~
22 THE injury intends to hold ~~such~~ THE village liable for ~~such~~
23 damages. ~~as may have been sustained by him:~~ Provided, That the
24 ~~bridges~~ HOWEVER, IF A BRIDGE IS OR IS TO BE within the limits of
25 ~~any~~ A village incorporated under this act ~~in the highways~~
26 ~~leading~~ ON A HIGHWAY THAT LEADS into or through the ~~said~~
27 village ~~which have been laid out or shall hereafter be laid out~~

~~1 by the commissioner of highways of the township or townships in~~
~~2 which said village may be located, or~~ AND THAT IS laid out by
~~3 any other~~ AN authority other than ~~that of said~~ THE village,
 4 THE BRIDGE shall be built, controlled, and kept in repair by the
 5 township or townships in which the ~~same may be~~ BRIDGE IS
 6 located, the same as if ~~said~~ THE village were not
 7 incorporated. ~~and the fact that any such highways are~~ IF A
 8 HIGHWAY THAT LEADS INTO OR THROUGH THE VILLAGE IS laid out and
 9 used as ~~such~~ A HIGHWAY at the time of ~~such~~ incorporation of
 10 ~~said~~ THE village, ~~shall be deemed sufficient to make the same~~
 11 ~~township highways,~~ IT IS A TOWNSHIP HIGHWAY, and the township or
 12 townships in which ~~they may be~~ IT IS located ARE liable ~~as~~
 13 ~~aforsaid, and all other~~ TO BUILD, CONTROL, AND KEEP IN REPAIR A
 14 BRIDGE IN THE HIGHWAY. OTHER bridges in ~~said~~ A village shall
 15 be built, controlled, and kept in repair by ~~said~~ THE village.
 16 Sec. 12. The council ~~shall have power to~~ MAY lay out,
 17 establish, open, make, widen, extend, straighten, alter, close,
 18 vacate, or abolish ~~any~~ A highway, street, PARKING FACILITY,
 19 lane, alley, sidewalk, sewer, drain, water course, bridge, or
 20 culvert in the village ~~whenever they shall deem the same~~ IF THE
 21 COUNCIL CONSIDERS IT a public improvement ~~,~~ or necessary for
 22 the public convenience. ~~, and if~~ IF in so doing it ~~shall be~~
 23 IS necessary to take or use private property, the ~~same~~ PROPERTY
 24 may be taken in the manner provided in this act AND THE UNIFORM
 25 CONDEMNATION PROCEDURES ACT, ACT NO. 87 OF THE PUBLIC ACTS OF
 26 1980, BEING SECTIONS 213.51 TO 213.77 OF THE MICHIGAN COMPILED
 27 LAWS. The expense of ~~such~~ THE improvement may be paid by

1 special assessments upon the property adjacent to or benefited by
 2 ~~such~~ THE improvement, LEVIED AND COLLECTED in the manner
 3 PROVIDED in this act, ~~provided for levying and collecting spe-~~
 4 ~~cial assessments, or in the discretion of the council,~~ OR a por-
 5 tion of ~~such~~ THE costs and expenses may be paid by special
 6 assessments, ~~as aforesaid,~~ and the balance from the general
 7 highway fund.

8 CHAPTER IX

9 Sec. 2. The council ~~shall also have power to~~ MAY raise,
 10 by general tax upon ~~all~~ real estate and personal property
 11 ~~aforesaid, such~~ LIABLE TO TAXATION IN THE VILLAGE A sum not
 12 exceeding 1/2 of 1% ~~per cent~~ of the assessed value of ~~said~~
 13 THE property, ~~as they shall deem necessary~~ for highway and
 14 street purposes. ~~Such moneys~~ THAT MONEY shall constitute a
 15 "general highway fund," and shall be expended exclusively for
 16 working and improving the highways, streets, lanes, and alleys of
 17 the village and for the construction and repair of bridges
 18 ~~therein~~ AND PARKING FACILITIES IN THE VILLAGE.

19 CHAPTER XIV

20 Sec. 1. ~~The term village, whenever used in this act,~~
 21 ~~shall be construed to mean~~ AS USED IN THIS ACT:

22 (A) "PARK" MEANS AN AREA OF LAND OR WATER, OR A COMBINATION
 23 OF BOTH, DEDICATED TO 1 OR MORE OF THE FOLLOWING USES:

24 (i) RECREATIONAL PURPOSES, INCLUDING BUT NOT LIMITED TO
 25 LANDSCAPED TRACTS; PICNIC GROUNDS; PLAYGROUNDS; ATHLETIC FIELDS;
 26 CAMPS; CAMPGROUNDS; ZOOLOGICAL AND BOTANICAL GARDENS; SWIMMING,

1 BOATING, HUNTING, FISHING, AND BIRDING AREAS; AND FOOT, BICYCLE,
2 AND BRIDLE PATHS.

3 (ii) OPEN OR SCENIC SPACE.

4 (iii) ENVIRONMENTAL, CONSERVATION, NATURE, OR WILDLIFE
5 AREAS.

6 (B) "VILLAGE" MEANS a village incorporated under this act or
7 subject to its provisions.