

SENATE BILL No. 729

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

A bill to amend section 24 of Act No. 278 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; and to validate bonds issued and obligations previously incurred,"

being section 78.24 of the Michigan Compiled Laws; and to add section 29.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 24 of Act No. 278 of the Public Acts of
2 1909, being section 78.24 of the Michigan Compiled Laws, is
3 amended and section 29 is added to read as follows:

4 Sec. 24. A village may in its charter provide FOR 1 OR MORE
5 OF THE FOLLOWING:

6 (a) ~~For the~~ THE regulation of a trade, occupation, ~~and~~
7 OR amusement within the village's boundaries, including the sale

1 of ~~intoxicating~~ ALCOHOLIC liquor and the number of licenses to
2 be issued for the sale of ~~intoxicating~~ ALCOHOLIC liquor. A
3 charter shall not permit the sale of ALCOHOLIC liquor in a county
4 in which the sale is prohibited by operation of the general local
5 option law of this state, but may suppress saloons for the sale
6 of ~~spirituous and intoxicating~~ ALCOHOLIC liquor.

7 (b) ~~For the~~ THE punishment ~~by a proper penalty~~ of a
8 person who violates a law or ordinance of the village. A penalty
9 shall not be more than a fine of \$500.00 or 90 days' imprison-
10 ment, ~~in the county jail, village prison, or a workhouse in this~~
11 ~~state authorized by ordinance to receive a prisoner from the~~
12 ~~village, or both. a fine and imprisonment.~~

13 (c) ~~For the~~ THE establishment of a department considered
14 necessary for the general welfare of the village and for the sep-
15 arate incorporation of the village. This subdivision ~~shall~~
16 DOES not ~~be construed to~~ extend to a public school.

17 (d) ~~For the~~ THE use and enjoyment of the surface of a
18 street of the village and of the space above and beneath the
19 street.

20 (e) ~~For the~~ THE assessment and reassessment of the cost,
21 or a portion of the cost, of a public improvement, INCLUDING, BUT
22 NOT LIMITED TO, A PUBLIC PARK OR PUBLIC PARK PARKING FACILITY, to
23 a special district. The payment of a future due installment of a
24 special assessment against a parcel of land may be made at any
25 time in full, with interest accrued to the due date of the next
26 installment.

1 (f) ~~For the~~ THE purchase of private property for a public
2 use or purpose within the scope of ~~its~~ THE VILLAGE'S powers.

3 (g) ~~For the~~ THE sale and delivery of water outside of
4 ~~its~~ THE VILLAGE'S corporate limits in an amount ~~as may be~~
5 determined by the legislative body of the village.

6 (h) ~~For the~~ THE acquisition, by purchase, OF land outside
7 ~~its~~ THE VILLAGE'S corporate limits necessary for the disposal
8 of sewage ~~and~~ OR garbage ~~—~~ or for a purpose authorized by the
9 state constitution of 1963 or the general law of this state.

10 (i) ~~For the~~ THE use, upon the payment of reasonable com-
11 pensation by others than the owner, of property located in a
12 street, alley, or public place and used in the operation of a
13 public utility.

14 (j) ~~For a~~ A plan of streets and alleys within the
15 village's limits.

16 (k) ~~For the~~ THE use, control, and regulation of a stream,
17 water, or ~~water course~~ WATERCOURSE within the village's bounda-
18 ries, but not so as to conflict with a law or action under a law
19 by which a navigable stream is bridged or dammed.

20 (l) ~~For the~~ THE enforcement of ~~each~~ local, police, sani-
21 tary, or other ~~regulation as is~~ REGULATIONS not in conflict
22 with the general law of this state.

23 (m) ~~For the~~ THE exercise of each municipal power in the
24 management and control of municipal property and in the adminis-
25 tration of the municipal government, whether the power is
26 expressly enumerated in this act or not; ~~for~~ an act to advance
27 the interest of the village ~~—~~ and the good government and

1 prosperity of the municipality and its inhabitants; and ~~for the~~
2 making OF laws ~~which~~ THAT are necessary and proper for carrying
3 into execution each of the ~~foregoing~~ powers ~~and other powers~~
4 vested by THIS ACT OR the state constitution of 1963 in villages,
5 except if forbidden, or if the subject is covered exclusively by
6 the general law of this state.

7 (n) ~~For the~~ THE sale and delivery of heat, power, and
8 light outside the village's corporate limits at wholesale or
9 other than wholesale in an amount ~~as may be~~ determined by the
10 legislative body of the village, except that a sale at other than
11 wholesale shall be limited to the area of a city, village, or
12 township ~~which~~ THAT is contiguous to the village as of June 23,
13 1974, and to the area of any other city, village, or township
14 being served as of June 23, 1974. However, a village shall not
15 render heat, power, or light to a customer outside the village's
16 corporate limits already receiving the service from another util-
17 ity unless the serving utility consents in writing. For purposes
18 of this subdivision, ~~"wholesale" means~~ the sale ~~or exchange~~
19 AND DELIVERY of heat, power, or light AT "WHOLESALE" MEANS SALE
20 AND DELIVERY between public utility systems, whether municipally,
21 cooperatively, or privately owned.

22 SEC. 29. AS USED IN THIS ACT, "PARK" MEANS AN AREA OF LAND
23 OR WATER, OR BOTH, DEDICATED TO 1 OR MORE OF THE FOLLOWING USES:

24 (A) 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 (B) OPEN OR SCENIC SPACE.
- 4 (C) ENVIRONMENTAL, CONSERVATION, NATURE, OR WILDLIFE AREAS.