

SENATE BILL No. 735

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 1 and 2 of chapter XXII, section 3 of chapter XXX, and section 10 of chapter XXXIII of Act No. 215 of the Public Acts of 1895, entitled as amended

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

being sections 102.1, 102.2, 110.3, and 113.10 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 2 of chapter XXII, section 3 of
2 chapter XXX, and section 10 of chapter XXXIII of Act No. 215 of
3 the Public Acts of 1895, being sections 102.1, 102.2, 110.3, and

1 113.10 of the Michigan Compiled Laws, are amended to read as
2 follows:

3 CHAPTER XXII

4 Sec. 1. (1) The council shall ~~have supervision~~ SUPERVISE
5 and control ~~of all~~ public highways, bridges, streets, avenues,
6 alleys, sidewalks, PARKING FACILITIES, and public grounds within
7 the city ~~,~~ and shall ~~cause the same to be kept~~ KEEP THEM in
8 repair ~~,~~ and free from nuisance. ~~No~~

9 (2) A city subject to the provisions of this act ~~shall be~~
10 IS NOT liable in damages sustained by ~~any~~ A person in ~~such~~
11 THE city ~~either~~ to his OR HER person or property by reason of
12 ~~any~~ A defective street, sidewalk, crosswalk, or public highway
13 ~~,~~ WITHIN THE CITY or by reason of ~~any~~ AN obstruction, ice,
14 snow, or other encumbrance upon such A street, sidewalk,
15 crosswalk, or public highway ~~,~~ ~~situated in such city,~~ unless
16 ~~such~~ THE person ~~shall serve or cause to be served~~ SERVES,
17 within 60 days after ~~such~~ THE injury ~~shall have occurred~~
18 OCCURS, a notice in writing upon the clerk or the deputy clerk of
19 ~~such~~ THE city. ~~,~~ ~~which~~ THE notice shall set forth substan-
20 tially the time when and place where ~~such~~ THE injury took
21 place, the manner in which it occurred, ~~and~~ the KNOWN extent of
22 ~~such~~ THE injury, ~~as far as the same has become known,~~ and
23 that the person receiving ~~such~~ THE injury intends to hold
24 ~~such~~ THE city liable for ~~such~~ damages. ~~as may have been~~
25 ~~sustained by him.~~ ~~No~~

26 (3) A city ~~shall be~~ IS NOT responsible for the ~~care,~~
27 improvement or repair of ~~any~~ A street or alley laid out or

1 dedicated to public use by ~~the proprietors of any lands which~~
 2 ~~had not been~~ A PROPRIETOR OF LAND BEFORE THE INCORPORATION OF
 3 THE CITY UNDER THIS ACT UNLESS THE STREET OR ALLEY WAS actually
 4 accepted, worked, and used by the public as a street or alley
 5 before the incorporation of the city under this act. ~~, nor~~ A
 6 CITY IS NOT RESPONSIBLE for the improvement ~~and~~ OR repair of
 7 ~~any~~ A street or alley laid out or dedicated TO PUBLIC USE by
 8 ~~any such~~ A proprietor OF LAND after such incorporation, unless
 9 the dedication ~~shall have been~~ IS accepted and confirmed by the
 10 council by an ordinance or resolution specially passed for that
 11 purpose.

12 Sec. 2. The council ~~shall have authority to~~ MAY lay out,
 13 open, widen, extend, straighten, alter, close, vacate, or abolish
 14 ~~any~~ A highway, street, ~~or~~ alley, OR PARKING FACILITY in the
 15 city, ~~whenever they shall deem the same~~ IF THE COUNCIL CONSID-
 16 ERS IT a public improvement. ~~, and if~~ IF in so doing it ~~shall~~
 17 ~~be~~ IS necessary to take or use private property, the ~~same~~
 18 PROPERTY may be taken in the manner PROVIDED in this act
 19 ~~provided~~ AND THE UNIFORM CONDEMNATION PROCEDURES ACT, ACT
 20 NO. 87 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 213.51 TO
 21 213.77 OF THE MICHIGAN COMPILED LAWS, for taking private property
 22 for public use. The expense of ~~such~~ THE improvement may be
 23 paid by special assessments upon the property adjacent to or ben-
 24 efited by ~~such~~ THE improvement, LEVIED AND COLLECTED in the
 25 manner PROVIDED in this act ~~provided for levying and~~ FOR col-
 26 lecting special assessments, ~~, or in the discretion of the~~
 27 council, a portion of ~~such~~ THE costs and expenses may be SO

1 paid by special assessments, ~~as aforesaid,~~ and the balance from
2 the general street fund.

3 CHAPTER XXX

4 Sec. 3. The revenues raised by general tax upon all the
5 property in the city or by loan to be repaid by such tax shall be
6 divided into so many of the following general funds as are
7 necessary: ~~+~~

8 (A) ~~First,~~ Contingent fund, ~~---to defray~~ FOR the contin-
9 gent and other expenses of the city for the payment of which from
10 some other fund no provision is made. ~~+~~

11 (B) ~~Second,~~ Fire department fund, ~~---to defray the~~
12 ~~expenses of~~ FOR purchasing grounds, erecting engine houses
13 ~~thereon~~ ON THE GROUNDS, purchasing engines and other fire appa-
14 ratus, and ~~all~~ other expenses necessary to maintain the fire
15 department of the city. ~~+~~

16 (C) ~~Third,~~ General street fund, ~~---to defray the expenses~~
17 ~~of~~ FOR opening, widening, extending, altering, ~~and~~ vacating,
18 ~~streets, alleys and public grounds, and for~~ grading, paving,
19 curbing, graveling, ~~and otherwise~~ improving, repairing, and
20 clearing the streets, alleys, PARKING FACILITIES, and public
21 grounds of the city ~~,~~ and for the construction, MAINTENANCE,
22 and repair of sidewalks and ~~cross walks, and for the care~~
23 ~~thereof,~~ CROSSWALKS.

24 (D) ~~Fourth,~~ General sewer fund ~~,~~ ~~---to defray the~~
25 ~~expenses of~~ FOR sewers, drains, ditches, and drainage ~~,~~ and
26 FOR the improvement of ~~water courses,~~ WATERCOURSES.

1 (E) ~~Fifth,~~ Bridge fund,---for the construction and
2 maintenance of bridges. ~~---~~

3 (F) ~~Sixth,~~ Water fund,---for maintaining and extending a
4 system of waterworks, ~~and for~~ constructing reservoirs and cis-
5 terns, and providing other supplies of water. ~~---~~

6 (G) ~~Seventh,~~ Public building fund,---for providing for
7 public buildings; ~~and~~ for the purchase of ~~lands therefor,~~
8 LAND FOR PUBLIC BUILDINGS; and for the erection, preservation,
9 and repair of ~~any such~~ public buildings ~~, city hall, offices,~~
10 ~~prisons, watch houses and hospitals as~~ THAT the council is
11 authorized to erect and maintain ~~---~~ and THAT ARE not ~~herein~~
12 otherwise provided for ~~---~~ IN THIS ACT.

13 (H) ~~Eighth,~~ Police fund,---for the maintenance of the
14 police of the city ~~---~~ and ~~to defray the expenses of~~ FOR the
15 arrest and punishment of those violating the ordinances of the
16 city. ~~---~~

17 (I) ~~Ninth,~~ Cemetery fund. ~~---~~

18 (J) ~~Tenth,~~ Interest and sinking fund,---for the payment
19 of the PRINCIPAL OF AND INTEREST ON THE public debt of the city.
20 ~~and the interest thereon;~~

21 (K) ~~Eleventh,~~ Park fund,---for the purchase of grounds
22 for public parks and the maintenance and improvement ~~thereof,~~
23 OF PUBLIC PARKS.

24 (l) ~~Twelfth,~~ Light fund,---for the construction,
25 purchase, and maintenance of ~~electric or other~~ lights. ~~---~~

26 (M) ~~Thirteenth, Such other~~ OTHER funds ~~as~~ THAT the
27 council may ~~from time to time~~ constitute.

CHAPTER XXXIII

Sec. 10. ~~The term "city," whenever used in this act, shall~~
~~be construed to mean~~ AS USED IN THIS ACT:

(A) "CITY" MEANS a city incorporated under this act ~~—~~ or
made subject to ~~its provisions~~ THIS ACT.

(B) "PARK" MEANS AN AREA OF LAND OR WATER, OR BOTH, DEDI-
CATED TO 1 OR MORE OF THE FOLLOWING USES:

(i) RECREATIONAL PURPOSES, INCLUDING BUT NOT LIMITED TO
LANDSCAPED TRACTS; PICNIC GROUNDS; PLAYGROUNDS; ATHLETIC FIELDS;
CAMPS; CAMPGROUNDS; ZOOLOGICAL AND BOTANICAL GARDENS; SWIMMING,
BOATING, HUNTING, FISHING, AND BIRDING AREAS; AND FOOT, BICYCLE,
AND BRIDLE PATHS.

(ii) OPEN TERRITORY OR SCENIC SPACES.

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