

Act No. 15
Public Acts of 1994
Approved by the Governor
February 23, 1994
Filed with the Secretary of State
February 24, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Conroy

ENROLLED SENATE BILL No. 734

AN ACT 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 25a

The People of the State of Michigan enact

Section 1 Section 24 of Act No. 278 of the Public Acts of 1909 being section 78 24 of the Michigan Compiled Laws is amended and section 25a is added to read as follows

Sec. 24 A village may in its charter provide for 1 or more of the following

(a) The regulation of a trade occupation or amusement within the village's boundaries including the sale of intoxicating liquor and the number of licenses to be issued for the sale of intoxicating liquor A charter shall not permit the sale of liquor in a county in which the sale is prohibited by operation of the general local option law of this state but may suppress saloons for the sale of intoxicating liquor

(b) The punishment of a person who violates an ordinance of the village other than an ordinance described in section 25a(1) (2) or (3) A penalty shall not exceed a fine of \$500.00 or imprisonment for 90 days or both

(c) The establishment of a department considered necessary for the general welfare of the village and for the separate incorporation of the village This subdivision does not apply to a public school

(d) The use and enjoyment of the surface of a street of the village and of the space above and beneath the street

(e) The assessment and reassessment of the cost or a portion of the cost of a public improvement to a special district The payment of a future installment of a special assessment against a parcel of land may be made at any time in full with interest accrued to the due date of the next installment

(f) The purchase of private property for a public use or purpose within the scope of the powers of the village

(g) The sale and delivery of water outside of the corporate limits of the village in an amount determined by the legislative body of the village

(h) The purchase of land outside the corporate limits of the village if necessary for the disposal of sewage and garbage or for a purpose authorized by the state constitution of 1963 or the general law of this state

(i) The use upon the payment of reasonable compensation by persons other than the owner of property located in a street alley or public place if the property is used in the operation of a public utility

(j) A plan of streets and alleys within the village's limits

(k) The use control and regulation of a stream water or watercourse within the village's boundaries but not so as to conflict with a law or action under a law by which a navigable stream is bridged or dammed

(l) The enforcement of each police sanitary or other ordinance that is not in conflict with the general law of this state

(m) The exercise of each municipal power in the management and control of village property and the administration of the village government whether the power is expressly enumerated in this act or not an act to advance the interest of the village and the good government and prosperity of the village and its inhabitants and the making of ordinances that are necessary and proper for carrying into execution the powers conferred by this act and other powers vested by the state constitution of 1963 in villages except if forbidden by or if the subject is covered exclusively by the general law of this state

(n) The sale and delivery of heat power and light outside the village's corporate limits in an amount determined by the legislative body of the village except that a sale at other than wholesale shall be limited to the area of a city village or township that is contiguous to the village as of June 23 1974 and to the area of any other city village or township being served as of June 23 1974 However a village shall not sell heat power or light to a customer outside the village's corporate limits already receiving the service from another utility unless the serving utility consents in writing For purposes of this subdivision wholesale means the sale or exchange of heat power or light between public utility systems whether municipally cooperatively or privately owned

Sec 25a (1) Consistent with any of the following statutes and whether or not authorized by the village charter the village council may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation

(a) The Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(b) Act No 235 of the Public Acts of 1969 being sections 257 941 to 257 943 of the Michigan Compiled Laws

(c) Act No 62 of the Public Acts of 1956 being sections 257 951 to 257 954 of the Michigan Compiled Laws

(2) Consistent with the marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws and whether or not authorized by the village charter the village council may adopt an ordinance that designates a violation of the ordinance as a marine law civil infraction and provides a civil fine for that violation This subsection does not apply unless House Bill No 4639 of the 87th Legislature is enacted into law

(3) Whether or not authorized by the village charter the village council may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation An ordinance may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (1) or as a marine law civil infraction under subsection (2) A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction

(4) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following

(a) Article 7 or section 17766a of the public health code Act No 368 of the Public Acts of 1978 being sections 333 7101 to 333 7545 and 333 17766a of the Michigan Compiled Laws

(b) The Michigan penal code Act No 328 of the Public Acts of 1931 being sections 750 1 to 750 568 of the Michigan Compiled Laws

(c) The Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(d) The Michigan liquor control act Act No 8 of the Public Acts of the Extra Session of 1933 being sections 436 1 to 436 58 of the Michigan Compiled Laws

(e) The marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws

(f) The aeronautics code of the state of Michigan Act No 327 of the Public Acts of 1945 being sections 259 1 to 259 208 of the Michigan Compiled Laws

(g) Act No 74 of the Public Acts of 1968 being sections 257 1501 to 257 1518 of the Michigan Compiled Laws

(h) Act No 319 of the Public Acts of 1975 being sections 257 1601 to 257 1626 of the Michigan Compiled Laws

(i) Act No 4 of the Public Acts of 1986 being sections 470 201 to 470 210 of the Michigan Compiled Laws

(j) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days

Section 2 This amendatory act shall take effect May 1 1994

Section 3 This amendatory act shall not take effect unless Senate Bill No 731 of the 87th Legislature is enacted into law

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor