



HOUSE BILL No. 5659

June 21 1994 Introduced by Reps Lowe Vorva Brackenridge, Johnson Fitzgerald, Cropsey Horton Dalman London Voorhees Hammerstrom Sikkema Dobb Hill Nye Walberg Dobronski, Profit, Yokich Gire Weeks Clack Porreca, Mathieu and Martinez and referred to the Committee on Local Government

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,

as amended by Act No 15 of the Public Acts of 1994 being section 78 24 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 24 of Act No 278 of the Public Acts of
2 1909 as amended by Act No 15 of the Public Acts of 1994 being
3 section 78 24 of the Michigan Compiled Laws, is amended to read
4 as follows

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

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

8 (b) The punishment of a person who violates an ordinance of
 9 the village other than an ordinance described in section 25a(1),
 10 (2), or (3) ~~THE~~ THE PENALTY FOR A VIOLATION OF SUCH AN
 11 ORDINANCE shall not exceed a fine of \$500 00 or imprisonment for
 12 90 days or both HOWEVER, THE PENALTY FOR A VIOLATION OF SUCH
 13 AN ORDINANCE SHALL NOT EXCEED A FINE OF \$500 00 OR IMPRISONMENT
 14 FOR 93 DAYS, OR BOTH, IF EITHER OF THE FOLLOWING APPLIES

15 (1) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
 16 UNDER SECTION 81(2), 131(3)(A)(1), OR 356D OF THE MICHIGAN PENAL
 17 CODE ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
 18 750 81, 750 131 AND 750 356D OF THE MICHIGAN COMPILED LAWS

19 (11) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
 20 UNDER SECTION 300A(1)(A) OF ACT NO 328 OF THE PUBLIC ACTS OF
 21 1931, BEING SECTION 750 300A OF THE MICHIGAN COMPILED LAWS, AND
 22 THE DEFENDANT DOES NOT HAVE A PRIOR CONVICTION FOR A VIOLATION OF
 23 SECTION 300A OF ACT NO 328 OF THE PUBLIC ACTS OF 1931

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

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

3 (e) The assessment and reassessment of the cost or a por-
4 tion of the cost, of a public improvement to a special district
5 The payment of a future installment of a special assessment
6 against a parcel of land may be made at any time in full with
7 interest accrued to the due date of the next installment

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

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

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

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

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

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

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

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

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