



SENATE BILL No. 314

February 2, 1993, Introduced by Senators PRIDNIA, EHLERS, GEAKE, WARTNER, EMMONS, SCHWARZ, ARTHURHULTZ, CISKY, KELLY, MC MANUS and CHERRY 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.

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 to read as follows:

4 Sec. 24. A village may in its charter provide FOR 1 OR
5 MORE 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
8 of intoxicating liquor and the number of licenses to be issued

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

6 (b) ~~For the~~ THE punishment ~~by a proper penalty~~ of a
7 person who violates ~~a law or~~ AN ordinance of the village. A
8 penalty shall not ~~be more than~~ EXCEED a fine of \$500.00 or ~~90~~
9 ~~days' imprisonment in the county jail, village prison, or a~~
10 ~~workhouse in this state authorized by ordinance to receive a~~
11 ~~prisoner from the village~~ FOR 90 DAYS, or both. ~~a fine and~~
12 ~~imprisonment.~~ IF THE USE OF A MOTORIZED VEHICLE ON A RECREA-
13 TIONAL TRAIL RESERVED FOR NONMOTORIZED TRAVEL IS AN ELEMENT OF
14 THE VIOLATION OF THE ORDINANCE, ALL OF THE FOLLOWING APPLY:

15 (i) IN ADDITION TO THE OTHER SANCTIONS PROVIDED FOR IN THIS
16 SUBSECTION, A COURT OF COMPETENT JURISDICTION MAY ORDER A PERSON
17 TO RESTORE, AS NEARLY AS POSSIBLE, ANY LAND, WATER, STREAM BANK,
18 STREAMBED, OR OTHER NATURAL OR GEOGRAPHIC FORMATION DAMAGED BY
19 THE VIOLATION OF THE ORDINANCE TO THE CONDITION IT WAS IN BEFORE
20 THE VIOLATION OCCURRED.

21 (ii) A PEACE OFFICER MAY IMPOUND THE MOTORIZED VEHICLE.

22 (iii) A COURT OF COMPETENT JURISDICTION MAY ORDER THE MOTOR-
23 IZED VEHICLE AND ANY PERSONAL PROPERTY ON THE MOTORIZED VEHICLE
24 SEIZED AS A RESULT OF THE VIOLATION RETURNED TO THE OWNER OR, IN
25 ADDITION TO THE OTHER SANCTIONS PROVIDED FOR IN THIS SUBSECTION
26 AND UPON RECOMMENDATION OF THE PROSECUTING ATTORNEY FOR THE
27 VILLAGE, FORFEITED TO THE VILLAGE.

1 (c) ~~For the~~ THE establishment of a department considered
2 necessary for the general welfare of the village and for the sep-
3 arate incorporation of the village. This subdivision ~~shall not~~
4 ~~be construed to extend~~ DOES NOT APPLY to a public school.

5 (d) ~~For the~~ THE use and enjoyment of the surface of a
6 street of the village, and of the space above and beneath the
7 street.

8 (e) ~~For the~~ THE assessment and reassessment of the cost,
9 or a portion of the cost, of a public improvement to a special
10 district. The payment of a future ~~due~~ installment of a special
11 assessment against a parcel of land may be made at any time in
12 full, with interest accrued to the due date of the next
13 installment.

14 (f) ~~For the~~ THE purchase of private property for a public
15 use or purpose within the scope of ~~its~~ THE powers OF THE
16 VILLAGE.

17 (g) ~~For the~~ THE sale and delivery of water outside of
18 ~~its~~ THE corporate limits OF THE VILLAGE in an amount ~~as may~~
19 ~~be~~ determined by the legislative body of the village.

20 (h) ~~For the acquisition, by~~ THE purchase ~~—~~ OF land out-
21 side ~~its~~ THE corporate limits OF THE VILLAGE IF necessary for
22 the disposal of sewage and garbage ~~—~~ or for a purpose autho-
23 rized by the state constitution of 1963 or the general law of
24 this state.

25 (i) ~~For the~~ THE use, upon the payment of reasonable com-
26 pensation by ~~others~~ PERSONS OTHER than the owner, of property

1 located in a street, alley, or public place ~~and~~ IF THE PROPERTY
2 IS used in the operation of a public utility.

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

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

9 (l) ~~For the~~ THE enforcement of each ~~local,~~ police, sani-
10 tary, or other ~~regulation as~~ ORDINANCE THAT is not in conflict
11 with the general law of this state.

12 (m) ~~For the~~ THE exercise of each municipal power in the
13 management and control of ~~municipal~~ VILLAGE property and ~~in~~
14 the administration of the ~~municipal~~ VILLAGE government, whether
15 the power is expressly enumerated in this act or not; ~~for~~ an
16 act to advance the interest of the village, and the good govern-
17 ment and prosperity of the ~~municipality~~ VILLAGE and its inhab-
18 itants; and ~~for~~ the making ~~laws which~~ OF ORDINANCES THAT are
19 necessary and proper for carrying into execution ~~each of~~ the
20 ~~foregoing~~ powers CONFERRED BY THIS ACT, and other powers vested
21 by the state constitution of 1963 in villages, except if forbid-
22 den ~~—~~ BY or if the subject is covered exclusively by the gen-
23 eral law of this state.

24 (n) ~~For the~~ THE sale and delivery of heat, power, and
25 light outside the village's corporate limits ~~at wholesale or~~
26 ~~other than wholesale~~ in an amount ~~as may be~~ determined by the
27 legislative body of the village, except that a sale at other than

1 wholesale shall be limited to the area of a city, village, or
2 township ~~which~~ THAT is contiguous to the village as of June 23,
3 1974, and to the area of any other city, village, or township
4 being served as of June 23, 1974. However, a village shall not
5 ~~render~~ SELL heat, power, or light to a customer outside the
6 village's corporate limits already receiving the service from
7 another utility unless the serving utility consents in writing.
8 For purposes of this subdivision, "wholesale" means the sale or
9 exchange of heat, power, or light between public utility systems,
10 whether municipally, cooperatively, or privately owned.