



SENATE BILL No. 387

February 11, 1993, Introduced by Senator KOIVISTO and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend section 26 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 78.26 of the Michigan Compiled Laws; and to add section 24c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 26 of Act No. 278 of the Public Acts of
2 1909, being section 78.26 of the Michigan Compiled Laws, is
3 amended and section 24c is added to read as follows:

4 SEC. 24C. A VILLAGE MAY ACQUIRE LAND OUTSIDE ITS CORPORATE
5 LIMITS NECESSARY FOR THE DISPOSAL OF SEWAGE OR THE OBTAINING OR
6 PROTECTION OF A WATER SUPPLY FOR THE VILLAGE OR THE INHABITANTS

1 OF THE VILLAGE BY PURCHASE OR, IF THE PROPOSED USE WILL NOT
2 MATERIALLY INJURE THE HEALTH OR SAFETY OF THE PERSONS LIVING
3 ADJACENT TO THE LAND, BY CONDEMNATION PURSUANT TO THE UNIFORM
4 CONDEMNATION PROCEDURES ACT, ACT NO. 87 OF THE PUBLIC ACTS OF
5 1980, BEING SECTIONS 213.51 TO 213.77 OF THE MICHIGAN COMPILED
6 LAWS.

7 Sec. 26. (1) ~~No~~ A village shall ~~have power~~ NOT DO ANY
8 OF THE FOLLOWING:

9 (a) ~~To submit~~ SUBMIT to the electors a charter or a revi-
10 sion ~~thereof~~ OF A CHARTER more often than once in every 2 years
11 ~~, nor unless it shall be filed~~ OR FILE IT with the village
12 clerk LESS THAN 90 days before the election. This ~~provision~~
13 ~~shall~~ SUBDIVISION DOES not apply to the submission and resubmis-
14 sion of charters to villages ~~which~~ THAT may be incorporated
15 under this act until they ~~shall~~ have first adopted a charter.

16 (b) ~~To call~~ CALL more than 2 special elections within 1
17 year. This prohibition ~~shall~~ DOES not apply to elections
18 ~~which~~ THAT may be held in the submission and resubmission of
19 charters to villages ~~which~~ THAT may be incorporated under this
20 act until they ~~shall~~ have first adopted a charter.

21 (c) ~~To change~~ CHANGE the salary or emoluments of a public
22 official after his OR HER election or appointment, or during his
23 OR HER term of office, where the office is held for a fixed term,
24 nor shall the term of a public official be shortened or extended
25 beyond the period for which he OR SHE is elected or appointed,
26 unless he ~~be~~ OR SHE IS removed for cause.

1 (d) ~~To adopt~~ ADOPT a charter or amendment ~~thereto~~ TO A
2 CHARTER, unless approved by a majority of the electors voting
3 ~~thereon~~ ON THE CHARTER OR AMENDMENT at a general or special
4 election.

5 (e) ~~To authorize~~ AUTHORIZE an issue of bonds, except spe-
6 cial assessment bonds, bonds for the village portion of local
7 improvements, not to exceed 40% of the cost of the improvement,
8 refunding bonds, bonds for relief from fire, flood, or calamity,
9 or for payment of judgments, and bonds ~~which~~ THAT the legisla-
10 tive body is authorized by specific statute to issue without vote
11 of the electors, unless approved by a majority of the electors
12 voting ~~thereon~~ ON THE ISSUANCE OF THE BONDS at a general or
13 special election.

14 (f) ~~To adopt~~ ADOPT a scheme for exemption from municipal
15 taxation.

16 ~~(g) A village, whether incorporated under this act or under~~
17 ~~an existing charter of the village heretofore granted or passed~~
18 ~~by the legislature for the government of a village, may acquire,~~
19 ~~by purchase or condemnation proceedings, land without its corpo-~~
20 ~~rate limits necessary for the disposal of sewage or the obtaining~~
21 ~~or protection of a water supply for the village or the inhab-~~
22 ~~itants thereof. The jury in condemnation proceedings shall con-~~
23 ~~sist of 12 freeholders drawn from the body of the county, and if~~
24 ~~they shall determine that such use is necessary, and that the use~~
25 ~~proposed will not materially injure the health or safety of the~~
26 ~~persons living adjacent to the land, they shall award the~~
27 ~~compensation to be paid therefor. Other proceedings in such~~

1 ~~cases shall conform to the general law authorizing cities and~~
 2 ~~villages to take or hold land or property within their corporate~~
 3 ~~limits.~~

4 (G) ~~(h) To repudiate~~ REPUDIATE a debt by a change in its
 5 charter or by consolidation with any other municipality.

6 (H) ~~(i) To incur~~ INCUR indebtedness by the issue of bonds,
 7 or otherwise, in a sum ~~which~~ THAT, including existing indebted-
 8 ness, exceeds 10% of the assessed valuation of the real and per-
 9 sonal property within the village subject to taxation, as shown
 10 by the last preceding assessment roll of the village. Bonds
 11 issued in anticipation of the collection of special assessments,
 12 even though they are a general obligation of the village, motor
 13 vehicle highway fund bonds, revenue bonds, and bonds issued, or
 14 contract or assessment obligations incurred, to comply with an
 15 order of the water resources commission or a court of competent
 16 jurisdiction, even though they are a general obligation of the
 17 village, ~~and~~ bonds issued, or contract or assessment obliga-
 18 tions incurred, for water supply, sewerage, drainage, or refuse
 19 disposal projects necessary to protect the public health by abat-
 20 ing pollution, even though they are a general obligation of the
 21 village, ~~shall~~ AND BONDS ISSUED FOR THE CONSTRUCTION, IMPROVE-
 22 MENT, OR REPLACEMENT OF A COMBINED SEWER OVERFLOW ABATEMENT
 23 FACILITY ARE not ~~be~~ included in this limitation. ~~Moneys~~
 24 MONEY on hand in a sinking fund limited to the payment of indebt-
 25 edness may be treated as a reduction of the indebtedness to that
 26 extent. In case of fire, flood, or other calamity requiring an
 27 emergency fund for the relief of the inhabitants of the village,

1 or for the repairing or rebuilding of any of its municipal
2 buildings, works, bridges, or streets, the legislative body of
3 the village may borrow money due in not more than 3 years and in
4 an amount not exceeding 1/4 of 1% of the assessed valuation of
5 the village, notwithstanding THAT the loan may increase the
6 indebtedness of the village beyond the limitations fixed by its
7 charter or in this act. ~~When~~ IF a village is authorized to
8 acquire or operate a public utility, it may issue mortgage bonds
9 ~~therefor~~ FOR THAT PURPOSE beyond the general limit of bonded
10 indebtedness prescribed by law. The mortgage bonds issued beyond
11 the limit of general indebtedness prescribed by law shall not
12 impose a liability upon the village, but shall be secured only
13 upon the property and revenues of the public utility, including a
14 franchise, stating the terms upon which, in case of foreclosure,
15 the purchaser may operate the ~~same~~ PUBLIC UTILITY. ~~, which~~
16 THE franchise shall ~~in no case~~ NOT extend for a period longer
17 than 20 years from the date of the sale of the PUBLIC utility and
18 franchise on foreclosure. ~~All bonds heretofore~~ BONDS issued,
19 or contract or assessment obligations ~~heretofore~~ incurred,
20 BEFORE JULY 31, 1973 are ~~hereby~~ validated. AS USED IN THIS
21 SUBDIVISION:

22 (i) "COMBINED SEWER OVERFLOW" MEANS A DISCHARGE FROM A COM-
23 BINED SEWER SYSTEM THAT OCCURS WHEN THE FLOW CAPACITY OF THE COM-
24 BINED SEWER SYSTEM IS EXCEEDED.

25 (ii) "COMBINED SEWER OVERFLOW ABATEMENT FACILITY" MEANS
26 WORKS, INSTRUMENTALITIES, OR EQUIPMENT NECESSARY OR APPROPRIATE
27 TO ABATE COMBINED SEWER OVERFLOWS.

1 (iii) "COMBINED SEWER SYSTEM" MEANS A SEWER DESIGNED AND
2 USED TO CONVEY BOTH STORM WATER RUNOFF AND SANITARY SEWAGE, AND
3 THAT CONTAINS LAWFULLY INSTALLED REGULATORS AND CONTROL DEVICES
4 THAT ALLOW FOR DELIVERY OF SANITARY FLOW TO TREATMENT DURING DRY
5 WEATHER PERIODS AND DIVERT STORM WATER AND SANITARY SEWAGE TO
6 SURFACE WATERS DURING STORM FLOW PERIODS.

7 (iv) "CONSTRUCTION" MEANS ACTION UNDERTAKEN IN THE DESIGNING
8 OR BUILDING OF A COMBINED SEWER OVERFLOW ABATEMENT FACILITY.
9 THIS TERM INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE FOLLOWING:

10 (A) ENGINEERING SERVICES.

11 (B) LEGAL SERVICES.

12 (C) FINANCIAL SERVICES.

13 (D) DESIGN OF PLANS AND SPECIFICATIONS.

14 (E) ACQUISITION OF LAND OR STRUCTURAL COMPONENTS.

15 (F) BUILDING, ERECTION, ALTERATION, REMODELING, OR EXTENSION
16 OF A COMBINED SEWER OVERFLOW ABATEMENT FACILITY.

17 (G) VILLAGE SUPERVISION OF THE PROJECT ACTIVITIES DESCRIBED
18 IN SUB-SUBPARAGRAPHS (A) TO (F).

19 (v) "IMPROVEMENT" MEANS ACTION UNDERTAKEN TO EXPAND, REHA-
20 BILITATE, OR RESTORE A COMBINED SEWER OVERFLOW ABATEMENT
21 FACILITY.

22 (vi) "REPLACEMENT" MEANS ACTION UNDERTAKEN TO OBTAIN AND
23 INSTALL EQUIPMENT, ACCESSORIES, OR APPURTENANCES DURING THE
24 USEFUL LIFE OF A COMBINED SEWER OVERFLOW ABATEMENT FACILITY NEC-
25 ESSARY TO MAINTAIN THE CAPACITY AND PERFORMANCE FOR WHICH THE
26 EQUIPMENT, ACCESSORIES, OR APPURTENANCES ARE DESIGNED AND
27 CONSTRUCTED.

1 (I) ~~(j) To lay~~ LAY or collect taxes for municipal purposes
2 except as otherwise provided by law, at a rate in excess of 2% of
3 the assessed value of all real and personal property in the
4 village.

5 (J) ~~(k) To issue~~ ISSUE bonds without creating a sinking
6 fund for the payment of the ~~same~~ BONDS, except special assess-
7 ment bonds ~~which~~ THAT are a charge upon a special district cre-
8 ated for the payment ~~thereof~~ OF THE BONDS, and serial bonds
9 payable annually.