



HOUSE BILL No. 4305

February 2, 1995, Introduced by Reps. Lowe, Nye, Hill, Schroer, Brackenridge, Clack, Whyman, Dobb, Rocca, Curtis, Bush, Dobronski, Dalman, McManus, Fitzgerald, Sikkema and Profit and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 24 of Act No. 278 of the Public Acts of 1909, entitled as amended "The home rule village act," 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:

7 (a) The regulation of a trade, occupation, or amusement
8 within the village's boundaries, including the sale of
9 intoxicating liquor and the number of licenses to be issued for

1 the sale of intoxicating liquor. A charter shall not permit the
2 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 intoxicating liquor.

5 (b) The punishment of a person who violates an ordinance of
6 the village other than an ordinance described in section 25a(1),
7 (2), or (3). ~~A~~ THE penalty FOR A VIOLATION OF SUCH AN
8 ORDINANCE shall not exceed a fine of \$500.00 or imprisonment for
9 90 days, or both. HOWEVER, THE PENALTY FOR A VIOLATION OF SUCH
10 AN ORDINANCE SHALL NOT EXCEED A FINE OF \$500.00 OR IMPRISONMENT
11 FOR 93 DAYS, OR BOTH, IF EITHER OF THE FOLLOWING APPLIES:

12 (i) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
13 UNDER SECTION 81(2), 131(3)(A)(i), OR 356D OF THE MICHIGAN PENAL
14 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
15 750.81, 750.131, AND 750.356D OF THE MICHIGAN COMPILED LAWS.

16 (ii) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
17 UNDER SECTION 300A(1)(A) OF ACT NO. 328 OF THE PUBLIC ACTS OF
18 1931, BEING SECTION 750.300A OF THE MICHIGAN COMPILED LAWS, AND
19 THE DEFENDANT DOES NOT HAVE A PRIOR CONVICTION FOR A VIOLATION OF
20 SECTION 300A OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931.

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

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

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

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

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

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

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

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

22 (k) The use, control, and regulation of a stream, water, or
23 watercourse within the village's boundaries, but not so as to
24 conflict with a law, or action under a law, by which a navigable
25 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 munici-
26 pally, cooperatively, or privately owned.