

HOUSE BILL No. 4581

April 27, 1999, Introduced by Reps. O'Neil, Faunce, Julian, Garcia, Howell, Jacobs and Patterson and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1909 PA 278, entitled
"The home rule village act,"
by amending section 24 (MCL 78.24), as amended by 1994 PA 15.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 24. A village may PROVIDE in its charter ~~provide~~ for
2 1 or more of the following:

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

10 (b) The punishment of a person who violates an ordinance of
11 the village other than an ordinance described in section ~~25a(1),~~

1 ~~(2), or (3)~~ 25A. ~~A~~ THE penalty FOR A VIOLATION OF SUCH AN
2 ORDINANCE shall not exceed a fine of \$500.00 or imprisonment for
3 90 days, or both. HOWEVER, UNLESS OTHERWISE PROVIDED BY LAW, THE
4 ORDINANCE MAY PROVIDE THAT A VIOLATION OF THE ORDINANCE IS PUN-
5 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF
6 NOT MORE THAN \$500.00, OR BOTH, IF THE VIOLATION SUBSTANTIALLY
7 CORRESPONDS TO A VIOLATION OF THE MICHIGAN VEHICLE CODE, 1949
8 PA 300, MCL 257.1 TO 257.923, THAT IS A MISDEMEANOR FOR WHICH THE
9 MAXIMUM PERIOD OF IMPRISONMENT IS 93 DAYS.

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

14 (d) The use and enjoyment of the surface of a street of the
15 village ~~,~~ and ~~of~~ the space above and beneath the street.

16 (e) The assessment and reassessment of the cost, or a por-
17 tion of the cost, of a public improvement to a special district.
18 The payment of a future installment of a special assessment
19 against a parcel of land may be made at any time in full, with
20 interest accrued to the due date of the next installment.

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

23 (g) The sale and delivery of water outside ~~of~~ the corpo-
24 rate limits of the village in an amount determined by the legis-
25 lative body of the village.

26 (h) The purchase of land outside the corporate limits of the
27 village if necessary for the disposal of sewage and garbage or

1 for a purpose authorized by the state constitution of 1963 or the
2 ~~general~~ law of this state.

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

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

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

13 (l) The enforcement of each police, sanitary, or other ordi-
14 nance that is not in conflict with the ~~general~~ law of this
15 state.

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

26 (n) The sale and delivery of heat, power, and light outside
27 the village's corporate limits in an amount determined by the

1 legislative body of the village, except that a sale at other than
2 wholesale shall be limited to the area of a city, village, or
3 township that is contiguous to the village as of June 23, 1974,
4 and to the area of any other city, village, or township being
5 served as of June 23, 1974. However, a village shall not sell
6 heat, power, or light to a customer outside the village's corpo-
7 rate limits already receiving the service from another utility
8 unless the serving utility consents in writing. For purposes of
9 this subdivision, "wholesale" means the sale or exchange of heat,
10 power, or light between public utility systems, whether munici-
11 pally, cooperatively, or privately owned.

12 Enacting section 1. This amendatory act takes effect
13 October 1, 1999.

14 Enacting section 2. This amendatory act does not take
15 effect unless all of the following bills of the 90th Legislature
16 are enacted into law:

17 (a) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 01321'99).

19 (b) Senate Bill No. _____ or House Bill No. _____ (request
20 no. 01325'99).

21 (c) Senate Bill No. _____ or House Bill No. _____ (request
22 no. 01326'99).

23 (d) Senate Bill No. _____ or House Bill No. _____ (request
24 no. 01327'99 *).

25 (e) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 01328'99 *).

- 1 (f) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 01329'99).
- 3 (g) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 01340'99 *).
- 5 (h) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 01340'99 a *).
- 7 (i) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 01340'99 b *).
- 9 (j) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 01340'99 d *).