

HOUSE BILL No. 5957

May 9, 2018, Introduced by Rep. Cole and referred to the Committee on Local Government.

A bill to amend 1909 PA 278, entitled
"The home rule village act,"
by amending section 24 (MCL 78.24), as amended by 2012 PA 11.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE**
4 regulation of a trade, occupation, or amusement within the
5 village's boundaries, including the sale of intoxicating liquor and
6 the number of licenses to be issued for the sale of intoxicating
7 liquor. A charter ~~shall~~ **MUST** not permit the sale of liquor in a
8 county in which the sale is prohibited by operation of the general
9 local option law of this state, but may suppress saloons for the
10 sale of intoxicating liquor. **THIS SUBDIVISION IS SUBJECT TO THE**

1 **LOCAL GOVERNMENT OCCUPATIONAL LICENSING ACT.**

2 (b) The punishment of a person who violates an ordinance of
3 the village other than an ordinance described in section 25a. The
4 penalty for a violation of such an ordinance ~~shall~~ **MUST** not exceed
5 a fine of \$500.00 or imprisonment for 90 days, or both. However,
6 unless otherwise provided by law, the ordinance may provide that a
7 violation of the ordinance is punishable by imprisonment for not
8 more than 93 days or a fine of not more than \$500.00, or both, if
9 the violation substantially corresponds to a violation of state law
10 that is a misdemeanor for which the maximum period of imprisonment
11 is 93 days. In addition, a village may adopt section 625(1)(c) of
12 the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference
13 in an adopting ordinance and shall provide that a violation of that
14 ordinance is a misdemeanor punishable by 1 or more of the
15 following:

16 (i) Community service for not more than 360 hours.

17 (ii) Imprisonment for not more than 180 days.

18 (iii) A fine of not less than \$200.00 or more than \$700.00.

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

23 (d) The use and enjoyment of the surface of a street of the
24 village and the space above and beneath the street.

25 (e) The assessment and reassessment of the cost, or a portion
26 of the cost, of a public improvement to a special district. The
27 payment of a future installment of a special assessment against a

1 parcel of land may be made at any time in full, with interest
2 accrued to the due date of the next installment.

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

5 (g) The sale and delivery of water outside the corporate
6 limits of the village in an amount determined by the legislative
7 body of the village.

8 (h) The purchase of land outside the corporate limits of the
9 village if necessary for the disposal of sewage and garbage or for
10 a purpose authorized by the state constitution of 1963 or the law
11 of this state.

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

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

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

21 (l) The enforcement of each police, sanitary, or other
22 ordinance that is not in conflict with the law of this state.

23 (m) The exercise of each municipal power in the management and
24 control of village property and the administration of the village
25 government, whether the power is expressly enumerated in this act
26 or not; an act to advance the interest of the village, and the good
27 government and prosperity of the village and its inhabitants; and

1 the making of ordinances that are necessary and proper for carrying
2 into execution the powers conferred by this act, and other powers
3 vested by the state constitution of 1963 in villages, except if
4 forbidden by or if the subject is covered exclusively by the law of
5 this state.

6 (n) The sale and delivery of heat, power, and light outside
7 the village's corporate limits in an amount determined by the
8 legislative body of the village, except that a sale at other than
9 wholesale ~~shall be~~ **IS** limited to the area of a city, village, or
10 township that is contiguous to the village as of June 23, 1974, and
11 to the area of any other city, village, or township being served as
12 of June 23, 1974. However, a village shall not sell heat, power, or
13 light to a customer outside the village's corporate limits already
14 receiving the service from another utility unless the serving
15 utility consents in writing. For purposes of this subdivision,
16 "wholesale" means the sale or exchange of heat, power, or light
17 between public utility systems, whether municipally, cooperatively,
18 or privately owned.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. 5955 (request no.
23 03124'17) of the 99th Legislature is enacted into law.