

**THE FOURTH CLASS CITY ACT (EXCERPT)**  
**Act 215 of 1895**

CHAPTER XXVII  
LIGHTING.

**107.1 City lighting plant.**

Sec. 1. It shall be lawful for any city incorporated or reincorporated under the provisions of this act to acquire by purchase or to construct, operate and maintain, either independently or in connection with the waterworks of such city, either within or without the city, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights at such times and on such terms and conditions as hereinafter provided.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3258;—CL 1915, 3176;—CL 1929, 2100;—CL 1948, 107.1.

**107.2 City lighting plant; resolution of necessity; action of council.**

Sec. 2. Whenever the council of any city shall, by resolution, declare that it is expedient for such city to acquire by purchase, or to construct, as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with gas, electric or other lights, then such council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3259;—CL 1915, 3177;—CL 1929, 2101;—CL 1948, 107.2.

**107.3 City lighting plant; expense estimates; vote by electors.**

Sec. 3. In case the council shall declare that it is expedient for such city to acquire by purchase or to construct, as the case may be, works for the purpose of supplying such city and the inhabitants thereof, or either, with electric or other lights, then the council shall direct the board of public works to cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the council, as provided in this act, and shall be determined as 2/3 of the electors voting at such election by ballot shall decide.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3260;—CL 1915, 3178;—CL 1929, 2102;—CL 1948, 107.3.

**107.4 City lighting plant; borrowing power, limit; manner of payment.**

Sec. 4. It shall be lawful for any such city to borrow any sum of money not exceeding 5 per cent of the assessed value of the property in said city as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining such lighting works as provided in the preceding sections of this chapter. The council shall have power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and to issue bonds of the city therefor, but the rate of such interest shall not exceed 6 per cent per annum, and such bonds shall not be sold for less than their par value: Provided, That the total amount expended for the purchase or construction of such lighting works shall not exceed the amount of the estimate of expense thereof provided for in section 3 of this chapter.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3261;—CL 1915, 3179;—CL 1929, 2103;—CL 1948, 107.4.

**107.5 City lighting plant; repairs, limit.**

Sec. 5. After lighting works have been purchased or constructed as aforesaid, in such city, the council may then raise and expend in making repairs or alterations, or in extending such works, such sum as it may deem advisable without submitting the question to the electors of the city; but the sum to be so raised in any 1 year shall be included in and shall not increase the total amount which by the provisions of section 5 of chapter 30 of this act the council is authorized to raise.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3262;—CL 1915, 3180;—CL 1929, 2104;—CL 1948, 107.5.

**Compiler's note:** For provisions of section 5 of chapter 30, referred to in this section, see MCL 110.5.

**107.6 City lighting plant; lighting rates, annual determination.**

Sec. 6. The board of public works subject to the approval of the council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying the inhabitants of said city with lights, and shall annually on the first Monday in June fix such rates for the year next ensuing.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3263;—CL 1915, 3181;—CL 1929, 2105;—CL 1948, 107.6.

**107.7 City lighting plant; condemnation of private property.**

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Sec. 7. If it shall be necessary in the judgment of the council to appropriate private property either within or without the city for the construction and maintenance or for the due operation of lighting works, the right to occupy and hold the same and the ownership therein and thereto may be acquired by the city in the manner and with like effect as provided in this act for the taking of private property for public use.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3264;—CL 1915, 3182;—CL 1929, 2106;—CL 1948, 107.7.

#### **107.8 Contract for lighting; time limitation; privileges extended to company.**

Sec. 8. The council may contract from year to year, or for a period of time not exceeding 10 years with any person or persons, or with any duly authorized corporation, for the supplying of such city or the inhabitants thereof, or both, with gas, electric or other lights upon such terms and conditions as may be agreed; and may grant to such person, persons or corporation the right to the use of the streets, alleys, wharves and public grounds of such city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3265;—CL 1915, 3183;—CL 1929, 2107;—CL 1948, 107.8.

#### **107.9 City lighting plant; care and control ordinances.**

Sec. 9. The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3266;—CL 1915, 3184;—CL 1929, 2108;—CL 1948, 107.9.

#### **107.10 Repairs, alterations, and extensions; title retention contract providing for payment from available net revenues; construction.**

Sec. 10. Repairs, alterations, and extensions may also be provided by the city council by contract for the making and installation of repairs, alterations, and extensions, which contract shall not impose a general obligation on the city, but which may provide for payment out of the net revenues, after payment of obligations due, provision for payment of obligations to become due, and payment of legitimate and necessary operating and other expenses, as shall become available from the operation of the works after completion of the repairs, alterations, or extensions and for retention of title to materials furnished in the seller until paid for in full. However, a contract made pursuant to this section shall not be construed to deprive the people of the city of any right vested in them by the constitution or the laws of this state, to constitute the granting of any franchise or its operating equivalent, or to convey title to property to any person not possessed of the title prior to the execution of the title retaining contract.

**History:** Add. 1954, Act 110, Eff. Aug. 13, 1954;—Am. 1983, Act 45, Imd. Eff. May 12, 1983;—Am. 2002, Act 231, Imd. Eff. Apr. 29, 2002.