

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895

STREETS AND SIDEWALKS.

67.7 Public highways, bridges, grounds; supervision; liability for damages; bridges.

Sec. 7. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the village, and shall have the authority over these that is given by the general laws of the state. A village is not liable in damages sustained by any person in the village, either to his or her person or property, by reason of a defective street, sidewalk, crosswalk, or public highway, or by reason of an obstruction, ice, snow or other incumbrance upon a street, sidewalk, crosswalk, or public highway, situated in such village unless within 120 days after the injury occurs a person serves or causes to be served a notice in writing upon the clerk or deputy clerk of the village. The notice shall set forth substantially the time when and place where the injury took place, the manner in which it occurred, the known extent of the injury, and that the person receiving the injury intends to hold the village liable for damages sustained by him or her. However, the road or highway bridges within the limits of a village laid out by any authority other than the village, shall be built, controlled, and kept in repair by the county or this state, whichever has jurisdiction. All other bridges in the village shall be built, controlled, and kept in repair by the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2775;—Am. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2646;—CL 1929, 1555;—CL 1948, 67.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.8 Sidewalks; construction; maintenance; expenses; allocation.

Sec. 8. The council shall have control of all sidewalks in the public streets and alleys of the village and may prescribe or change the grade of the sidewalks when considered necessary. The council may build, maintain, and keep in repair sidewalks and cross walks in the public streets and alleys, and charge the expense of constructing and maintaining the sidewalks upon the lots and premises adjacent to and abutting upon the walks. The council may require the owners and occupants of lots and premises to build, rebuild, and maintain sidewalks in the public streets adjacent to and abutting upon the lots and premises and to keep them in repair at all times, and to construct and lay the sidewalks upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the council shall, by ordinance or resolution, prescribe, the expense thereof to be paid by the owner or occupant. The council may by a 2/3 vote of the members pay such part of the expense of building or rebuilding such walk as they may consider proper from the general street fund, or from the street district fund of any street district in which the sidewalk is located.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2776;—CL 1915, 2647;—CL 1929, 1556;—CL 1948, 67.8;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983.

67.9 Sidewalks; removal of snow and ice; ordinance authorized.

Sec. 9. The council may, either by ordinance or resolution, require the owners and occupants of a lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to the lot and premises, and to keep the sidewalks free from obstructions, encroachments, incumbrances, filth, and other nuisances. The council may by a majority vote of members of council provide by ordinance for the rebuilding, maintaining, and keeping in repair of all sidewalks within the village, for the removing of all ice and snow from the sidewalks, and for keeping them free from incumbrances, and may pay the expense from the general street fund.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2777;—CL 1915, 2648;—CL 1929, 1557;—CL 1948, 67.9;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.10 Sidewalks; failure of abutting owner; assessment; collection.

Sec. 10. If the owner or occupant of a lot or premises fails to construct or maintain a sidewalk, to keep the sidewalk in repair, to remove the snow, ice, and filth from the sidewalk, or to remove and keep the sidewalk free from obstructions, encroachments, incumbrances, or other nuisances, as required under section 8 or 9 of this chapter, or to perform any other duty required by the council in respect to a sidewalk, the council may cause the work to be done at the expense of the owner or occupant, and may cause the amount of the expenses incurred, together with a penalty of 10% to be levied by them as a special assessment upon the lot or premises adjacent to and abutting upon the sidewalk. The special assessment is subject to review after proper notice has been given as in all other cases of special assessments provided for by law. When confirmed, the assessment shall be a lien upon the lot or premises the same as other special assessments, and the council shall order the treasurer of the village to spread the amount, together with the penalty, upon the roll as a special assessment upon the lot or premises. The assessment shall be collected in the same manner as other village taxes. The

village may instead collect the amount, together with the penalty in a civil action, together with costs of suit.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2778;—CL 1915, 2649;—CL 1929, 1558;—CL 1948, 67.10;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.11 Sidewalks; regulation of things on, over and under.

Sec. 11. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2779;—CL 1915, 2650;—CL 1929, 1559;—CL 1948, 67.11.

67.12 Public improvement; powers of council; expenses; assessment.

Sec. 12. The council may lay out, establish, open, make, widen, extend, straighten, alter, close, vacate, or abolish a highway, street, lane, alley, sidewalk, sewer, drain, water course, bridge, or culvert in the village if the council considers it to be a public improvement, or necessary for the public convenience. Private property required for these purposes may be taken in the manner provided in this act. The expense of the improvement may be paid by special assessments upon the property adjacent to or benefited by the improvement, in the manner provided by law for levying and collecting special assessments, or in the discretion of the council, a portion of such costs and expenses may be paid by special assessment, and the balance from the general highway fund.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2780;—CL 1915, 2651;—CL 1929, 1560;—CL 1948, 67.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.13 Vacating, discontinuing, or abolishing highway, street, lane, alley, or public ground; resolution; meeting; objections; notice of meeting; filing objection; record.

Sec. 13. When the council considers it advisable to vacate, discontinue, or abolish a highway, street, lane, alley, or public ground, or a part of a highway, street, lane, alley, or public ground, it shall by resolution declare its intent and appoint a time not less than 4 weeks after the date of the resolution, when it shall meet and hear objections to the resolution. Notice of the meeting, with a copy of the resolution, shall be given in the manner prescribed by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. An objection to the proposed action of the council may be filed with the clerk in writing, and if an objection is filed, the highway, street, lane, alley, or public ground, or a part of the highway, street, lane, alley, or public ground, shall not be vacated or discontinued, except by a resolution or ordinance stating, if applicable, the name of the plat or plats affected and adopted by a majority vote of the members of council or by order of the circuit court in the county in which the land is situated as provided by the land division act, 1967 PA 288, MCL 560.101 to 560.293. The clerk of the municipality within 30 days shall record a certified copy of the resolution or ordinance with the register of deeds and file a certified copy with the department of consumer and industry services.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2781;—CL 1915, 2652;—CL 1929, 1561;—CL 1948, 67.13;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.14 Public highways; survey; vacation resolution, recording, evidence.

Sec. 14. The council may cause all public streets, alleys, and public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the clerk in a book of street records, and they shall cause surveys and descriptions of all streets, alleys, and public grounds opened, laid out, altered, extended, or accepted and confirmed by them to be recorded in like manner, and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2782;—CL 1915, 2653;—CL 1929, 1562;—CL 1948, 67.14.

67.15 Street grades; conformity with adjacent lands; record, diagram.

Sec. 15. The council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the village, and to require improvements and buildings, adjacent to, or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the clerk.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2783;—CL 1915, 2654;—CL 1929, 1563;—CL 1948, 67.15.

67.16 Street or sidewalk grades; change; damage to property owner; payment; assessment.

Sec. 16. (1) Whenever the grade of any street or sidewalk is established, and improvements are made by the owner or occupant of the adjacent property in conformity to the grade, the grade shall not be changed without compensation to the owner for all damages to the property resulting from the grade change. The damages shall be ascertained in the manner provided by the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, or agreed upon by the village and the owner or occupant of premises. After the damages are ascertained or agreed upon, the damages shall be paid by the village, or the council may cause the damages, or such part thereof as may be just and proper, to be assessed upon real estate to be benefited by the change of grade.

(2) If the council decides to assess the damages, or any part thereof, upon the property benefited, it shall determine and define a district in the village which in its judgment is benefited by the improvement out of which the damages arise. The damages or part thereof shall be assessed upon the real estate in the district, in proportion as nearly as may be to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement out of which the damages arise. The property on account of which the damages were awarded shall not be included in the district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets, as provided by law; and the provisions of chapter VIII relative to special assessments shall apply. The damages determined upon by the village or determined and collected by special assessment shall be paid to the person entitled to the damages.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2784;—CL 1915, 2655;—CL 1929, 1564;—CL 1948, 67.16;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: For provisions of chapter 13, referred to in this section, see MCL 73.1 et seq.