

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

CHAPTER VII
POWERS OF COUNCIL.

67.1 General powers of council.

Sec. 1. A village subject to this act has, in addition to other powers that are conferred, the general power and authority granted in this chapter. The council of a village subject to this act may enact ordinances relating to the powers described in this section as it considers proper, including, but not limited to, ordinances relating to 1 or more of the following:

- (a) To restrain and prevent vice and immorality.
- (b) To punish vagrants, disorderly persons, and prostitutes.
- (c) To abate nuisances and preserve the public health.
- (d) To prohibit and suppress disorderly houses and gaming houses.
- (e) To regulate, license, or suppress billiard tables and ball alleys, public dance halls, and soft drink emporiums.
- (f) To suppress gaming.
- (g) To regulate and license public shows and exhibitions.
- (h) To license auctioneers, license and regulate hawkers and peddlers, to regulate or prohibit sales of property at auction except sales made pursuant to an order of a court or public law, to require transient traders and dealers to obtain a license before engaging in business, and to regulate by ordinance the terms and conditions of issuing those licenses.
- (i) To license and regulate hacks and other public vehicles.
- (j) To provide for and regulate the inspection of provisions.
- (k) To regulate or prohibit bathing in the rivers, ponds, streams, and waters of the village.
- (l) To regulate or prohibit the selling, storing, or transportation of combustible or explosive substances or materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in the village.
- (m) To provide for the organization and regulation of a fire department, to provide for the prevention and extinguishment of fires, and to establish and maintain definite fire limits.
- (n) To license and regulate solicitors for passengers or baggage for any hotel, tavern, public house, boat, or railroad, and draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles, and other vehicles used and employed for hire, and to fix and regulate the amount and rate of compensation of those individuals.
- (o) To require horses, mules, or other animals attached to any vehicle or standing in any street, lane, or alley in the village to be securely fastened, hitched, watched, or held.
- (p) To prevent and punish horse racing and immoderate driving in any street, park, or alley and to authorize the stopping and detaining of any person who is immoderately driving or riding in any street, park, or alley in the village.
- (q) To prevent the running at large of dogs, to require dogs to be muzzled, and to authorize the destruction of dogs found at large in violation of an ordinance of the village.
- (r) To establish lines and grades upon which buildings may be erected, and beyond which buildings shall not extend.
- (s) To prevent the erection and provide for the removal of buildings considered unsafe.
- (t) To regulate the placement and provide for the preservation of horse posts or hitching posts.
- (u) To declare and define the powers and duties of the officers of the village whose powers and duties are not specifically prescribed in this act.
- (v) To require the treasurer or marshal of the village, and other officers of the village as the council considers proper to give bonds for the discharge of their official duties.
- (w) To see that the officers of the village perform their duties faithfully and that proper measures are taken to punish neglect of duty by any officer of the village.
- (x) To provide for the care, custody, and preservation of the public property of the village.
- (y) To investigate any matter that may come under the jurisdiction of the village and that is pursuant to the authority vested in the council or in any officer under this act. The council by majority consent of the council members serving may serve upon a person a subpoena that has been authorized by a court of proper jurisdiction in the county in which the village is located compelling the person to appear before the council or any committee of the council to be examined under oath or to produce a document or object for inspection or

copying. If a person objects to or otherwise fails to comply with the written notice served upon him or her, the council may file in that court an action to enforce the subpoena. The court may issue an order requiring the person to appear to be examined or to produce a document or object for inspection or copying. Failure to obey the order of the court is punishable by the court as a contempt.

(z) To adopt other ordinances and make other regulations for the safety and good government of the village and the general welfare of its inhabitants that are not inconsistent with the general laws of this state.

(aa) To regulate or prohibit public nudity within village boundaries. As used in this subdivision, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

(i) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(ii) Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.

(iii) Sexually explicit visual material as defined in section 3 of Act No. 33 of the Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2769;—Am. 1915, Act 57, Eff. Aug. 24, 1915;—CL 1915, 2640;—Am. 1921, Act 21, Eff. Aug. 18, 1921;—CL 1929, 1549;—CL 1948, 67.1;—Am. 1988, Act 118, Imd. Eff. May 2, 1988;—Am. 1991, Act 176, Eff. Mar. 30, 1992;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 1994, Act 314, Imd. Eff. July 21, 1994.

67.1a Locomotives; enforceability of ordinance prescribing maximum speed limit.

Sec. 1a. Notwithstanding any other provision of this act, on and after the effective date of a passenger railroad maximum speed limit specified in a final order of the director of the state transportation department, an ordinance of a village prescribing the maximum speed limit of locomotives used in passenger train operations or of passenger railroad trains shall not be enforceable as to a speed limit other than the limit set forth in the order.

History: Add. 1984, Act 13, Imd. Eff. Feb. 16, 1984.

67.1a[1] Powers and immunities of village.

Sec. 1a. (1) Unless otherwise provided or limited in this chapter, the village is vested with all powers and immunities, expressed or implied, that villages are, or hereafter may be, permitted to exercise under the constitution and laws of the state of Michigan. The enumeration of particular powers or immunities in this act is not exclusive.

(2) The village may do all of the following:

(a) Exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government whether such powers are expressly enumerated or not.

(b) Do any act to advance the interests, good government, and prosperity of the village.

(c) Through its regularly constituted authority, pass and enforce all laws, ordinances, resolutions, and rules relating to its municipal concerns subject to the constitution and laws of the state.

(3) The powers of the village under this act shall be liberally construed in favor of the village and shall include those fairly implied and not prohibited by law or constitution.

(4) The specific powers listed in section 1 of this chapter shall not be construed as limiting the general powers set forth in subsections (1), (2), and (3).

History: Add. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: Section 1a, as added by Act 255 of 1998, was compiled as MCL 67.1a[1] to distinguish it from another section 1a, deriving from Act 13 of 1984 and pertaining to enforceability of ordinance prescribing maximum speed limit of locomotives.

LICENSES.

67.2 Licenses; issuance; revocation; sanctions; support of poor.

Sec. 2. (1) Except as otherwise provided in this subsection, the council may prescribe the terms and conditions upon which a license is granted and may require payment of a reasonable and proper amount for a license. The person receiving the license shall, if required by the council or an ordinance of the village, before the issuing of the license, execute a bond to the village in an amount prescribed by the council, with 1 or more sufficient sureties, conditioned for a faithful performance of the laws relating to the village and the ordinances of the council, and otherwise conditioned as the council may prescribe. A license is revocable by the council. If a license is revoked for noncompliance with the terms and conditions upon which the license was granted, or on account of a violation of an ordinance or regulation passed or authorized by the council, the person

holding the license shall, in addition to any other sanctions imposed, forfeit payments made for the license. The council may provide sanctions for a person who, without license, does something for which a license is required by an ordinance of the council. This subsection is subject to the local government occupational licensing act.

(2) The council of a village may provide for the support and relief of poor persons residing in the village and, for that purpose, may provide, by ordinance or resolution, for the appointment of a director of the poor for the village and may prescribe the director's duties and vest him or her with authority proper for the exercise of those duties.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2770;—CL 1915, 2641;—CL 1929, 1550;—CL 1948, 67.2;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 2018, Act 501, Imd. Eff. Dec. 27, 2018.

Compiler's note: Enacting section 1 of Act 501 of 2018 provides:

"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

POUNDS.

67.3 Animal pound.

Sec. 3. The council may maintain an animal pound and provide for all of the following:

- (a) The impoundment of animals at large contrary to the terms of an ordinance.
- (b) The destruction of animals not retrieved or for their sale to recover expenses.
- (c) The payment by the owner of fees, charges, and penalties incurred for retrieval of the animal.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2771;—CL 1915, 2642;—CL 1929, 1551;—CL 1948, 67.3;—Am. 1994, Act 16, Eff. May 1, 1994;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

PUBLIC BUILDINGS, GROUNDS, AND PARKS.

67.4 Acquisition, purchase, and erection of public buildings; purchase, appropriation, and ownership of real estate; purposes; sale of buildings, grounds, or parks.

Sec. 4. A village may acquire, purchase, and erect public buildings required for the use of the village, and may purchase, appropriate, and own real estate necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and for the exercise of the powers conferred in this act. Such buildings and grounds, or any part thereof, may be sold at a public or private sale, if authorized by an ordinance, or may be leased. A public park shall not be sold without the consent of a majority of the electors of the village voting on the question at an election.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2772;—CL 1915, 2643;—CL 1929, 1552;—CL 1948, 67.4;—Am. 1974, Act 67, Imd. Eff. Apr. 1, 1974;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.5 Village lockup, holding facility, or hospital; location outside corporate limits; regulations; enforcement.

Sec. 5. If the council considers it in the public interest, grounds and buildings for a village lockup or holding facility or hospital may be purchased, erected, and maintained beyond the corporate limits of the village. In such a case, the village may enforce beyond the corporate limits of the village, and over such lands, buildings and property, in the same manner and to the same extent as if they were within the village, ordinances and police regulations necessary for the care and protection thereof, and for the management and control of the persons kept or confined in the lockup or holding facility or hospital.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2773;—CL 1915, 2644;—CL 1929, 1553;—CL 1948, 67.5;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.6 Public parks and grounds; powers of council.

Sec. 6. The council may lay out or establish public parks and grounds within the village, and improve, light, and ornament public parks and grounds within the village. The council may regulate the use of public parks and grounds and protect the public parks and grounds and their appurtenances from obstruction, encroachment, and injury.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2774;—CL 1915, 2645;—CL 1929, 1554;—CL 1948, 67.6;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

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.

PAVING AND IMPROVEMENTS.

67.17 Bridges, culverts, and streets; construction, maintenance.

Sec. 17. The council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2785;—CL 1915, 2656;—CL 1929, 1565;—CL 1948, 67.17.

67.18 Bridges, streets, and highways; expenses; payment; tax levy; "paving" defined.

Sec. 18. The expense of constructing and maintaining bridges, and the whole, or such part as the council shall determine, of the expense of improving and working upon the streets and highways, including grading, paving, and graveling, may be paid from the general highway fund, to be raised by tax upon all the property in the village. All or part of the expense of grading, paving, or graveling any street may also be defrayed by a special assessment upon the lots and premises abutting upon the improvement, in proportion to their number of feet front upon the street. The lots and premises to be assessed according to their frontage upon a street improvement constitute a special assessment district. As used in this section, "paving" includes curbing and the construction of crosswalks in the paved streets.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2786;—CL 1915, 2657;—CL 1929, 1566;—CL 1948, 67.18;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.19 Bridges, streets, and highways; principles of tax apportionment.

Sec. 19. Assessments made under section 18 upon exempt public lands may be paid from the general highway fund, or may be apportioned to the other assessable lots, at the option of the council. If because of the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the council making the assessment may assess the lot for such number of feet frontage as in their opinion is just.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2787;—CL 1915, 2658;—CL 1929, 1567;—CL 1948, 67.19;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

STREET REGULATIONS.

67.20 Obstructions, encroachments; removal; offenders, punishment.

Sec. 20. The council shall have the power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets, and alleys of the village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2788;—CL 1915, 2659;—CL 1929, 1568;—CL 1948, 67.20.

67.21 Trees in highways; street lighting.

Sec. 21. The council may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the village, and for the protection thereof, and the trimming of all trees in or that overhang such highway, streets, or avenues, or which obstruct public lighting, and may light the streets

and public places, and regulate the setting of lamps and lamp posts therein and protect the same.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—Am. 1897, Act 54, Eff. Aug. 30, 1897;—CL 1897, 2789;—CL 1915, 2660;—CL 1929, 1569;—CL 1948, 67.21.

67.22 Public streets; excavation, regulation.

Sec. 22. The council may regulate the making of all openings in and removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the council, and at such times and upon such terms and regulations as they may prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2790;—CL 1915, 2661;—CL 1929, 1570;—CL 1948, 67.22.

67.23 Public streets; regulations; enforcement; council; powers.

Sec. 23. The council may regulate the use of public highways, streets, avenues, and alleys of the village, subject to the right of travel and passage therein. The council may prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; designate the places where loads of wood, coal, hay, and other articles may stand for sale; regulate traffic and sales in the streets and upon sidewalks; regulate or prohibit the display, use, or placing of signs, advertisements, banners, awnings, posts, poles, or lamps in or over the streets; regulate or prohibit sports, amusement proceedings, and gatherings of crowds in the streets that may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; prohibit and prevent the running at large of animals in the streets or elsewhere in the village, and impose sanctions upon the owners or keepers responsible; cleanse and purify the streets; prohibit, prevent, remove, and abate all nuisances in the streets, require a person creating or maintaining a nuisance to remove or abate it, sanction the person for the creation or maintenance of the nuisance, and generally prescribe and enforce regulations concerning the public streets as may be necessary to secure good order and safety to persons and property in their lawful use and to promote the general welfare. In addition, the council shall have the same authority and powers over and in respect to the public streets of the village as are conferred by law upon the board of county road commissioners.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2791;—CL 1915, 2662;—CL 1929, 1571;—CL 1948, 67.23;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

SEWERS, DRAINS AND WATER-COURSES.

67.24 Sewers, drains, watercourses; construction; condemnation.

Sec. 24. The council of any village may establish, construct, and maintain sewers, drains, and watercourses whenever and wherever necessary. These improvements shall be of such dimensions and materials, and under such regulations as the council considers proper for the drainage of the village. Private property may be taken therefor in the manner provided by this act for taking private property for public use. But in all cases where the council shall consider it practicable, such sewer, drain, and watercourses shall be constructed in the public streets and grounds.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2792;—CL 1915, 2663;—CL 1929, 1572;—CL 1948, 67.24;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.25 Sewers, drains, and watercourses; expense of construction; methods of payment.

Sec. 25. The expense of constructing sewers, drains, and watercourses may be paid by general tax upon the taxable property in the village; or the expenses may be defrayed by special assessment upon the lands and premises benefited in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment, and the remainder may be paid by general tax.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2793;—Am. 1905, Act 125, Imd. Eff. May 17, 1905;—CL 1915, 2664;—Am. 1921, Act 278, Imd. Eff. May 18, 1921;—Am. 1929, Act 71, Eff. Aug. 28, 1929;—CL 1929, 1573;—CL 1948, 67.25;—Am. 1969, Act 58, Imd. Eff. July 21, 1969;—Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.26 Sewers, drains, watercourses; special assessment; map of sewer district; contents; filing with cost estimate; hearing; notice; special assessments.

Sec. 26. (1) Before proceeding to the construction of any sewer, drain, or watercourse, all or part of the expense of which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which in their opinion will be benefited and which they intend to assess for the cost. Those lands shall constitute a special assessment district; and the map shall show the boundaries and divisions of all the lots and premises in the district, the proposed route and location of the improvement through the

district, and the depth, grade, and dimensions of the improvement. The map, with an estimate of the cost of the proposed work, shall be deposited with the clerk, and notice shall be given by publication in a newspaper of the village for 2 weeks or by posting copies of such notice for 2 weeks, in 3 public places in the village, of the intention to construct the improvement, and where the map and estimates can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

(2) The special assessments shall be made in the manner provided by law.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2794;—CL 1915, 2665;—CL 1929, 1574;—CL 1948, 67.26;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.27 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

Compiler's note: The repealed section pertained to declaration of resolution to construct sewer, drain, or watercourse.

67.28 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to special assessments.

67.29 Private drains; construction, regulation; work at private expense.

Sec. 29. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2797;—CL 1915, 2668;—CL 1929, 1577;—CL 1948, 67.29.

67.30 Private drains; connection with public sewers.

Sec. 30. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2798;—CL 1915, 2669;—CL 1929, 1578;—CL 1948, 67.30.

67.31 Private drains; connection to public sewers; charge; collection.

Sec. 31. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, a reasonable sum in proportion to the amount of drainage through the private drain. The charge shall be a lien upon the premises, and may be collected by special assessment.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2799;—CL 1915, 2670;—CL 1929, 1579;—CL 1948, 67.31;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.32 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to assessments for providing ditches and improving watercourses.

67.33 Sewers, ditches, water systems, and watercourses; repair expense.

Sec. 33. The expenses of repairing public sanitary sewers, drains, ditches, storm water systems, water supply systems, and watercourses may be paid by general tax. The expenses of reconstructing these improvements may be defrayed in the manner prescribed in this chapter for paying the expenses of constructing such improvements.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2801;—CL 1915, 2672;—CL 1929, 1581;—CL 1948, 67.33;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.34 Public sewers and drain ordinances.

Sec. 34. The council may enact ordinances necessary for the protection and control of the public sanitary sewers, drains, ditches, storm water systems, water supply systems, and watercourses, and to carry into effect the powers conferred in this chapter in respect to the drainage of the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2802;—CL 1915, 2673;—CL 1929, 1582;—CL 1948, 67.34;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

HARBORS, WHARVES, AND HARBOR MASTERS.

67.35 Public wharves, piers and levees; construction, regulation, leasing of privileges.

Sec. 35. The council of any village located upon or adjacent to any of the navigable waters of the state shall have the power to establish, construct, maintain, and control public wharves, docks, piers, landing places, and levees, upon any lands or property belonging to or under the control of the village, including property at the foot or end of public streets; and the council may lease wharfing and landing privileges upon any of the public wharves, docks, or landings, but not for a longer time than 10 years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2803;—CL 1915, 2674;—CL 1929, 1583;—CL 1948, 67.35.

67.36 Public wharves; conformity with grade; line limit.

Sec. 36. The council shall have authority also to require and cause all docks, wharves and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and to prescribe the line beyond which any such wharf, dock, or landing shall not be constructed or maintained.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2804;—CL 1915, 2675;—CL 1929, 1584;—CL 1948, 67.36.

67.37 Public wharves; rates and charges.

Sec. 37. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks and landing places within the village; to regulate the use and location of wharf-boats; and to regulate and prescribe the rates and charges for landing, wharfage, and dockage at all public wharves, docks and landings, and to collect wharfage and dockage from boats, water-craft, and floats landing at or using any public landing place, wharf, or dock within the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2805;—CL 1915, 2676;—CL 1929, 1585;—CL 1948, 67.37.

67.38 Preservation of purity of water; regulation of navigable waters; duties of council.

Sec. 38. The council may do all of the following:

(a) Provide by ordinance for the preservation of the purity of the waters of any harbor, river, or other waters within the village.

(b) Control and regulate the anchorage, moorage, and management of all boats, watercraft, and floats within the jurisdiction of the village.

(c) Regulate and prescribe by ordinance, or through a harbor master or other officer, the location of any boat, craft, vessel, or float, and the changes of station in, and use of the harbor as may be required to promote order and the safety and convenience of all boats, craft, vessels, and floats.

(d) Regulate the opening and passage of bridges.

(e) Adopt and enforce ordinances and regulations not inconsistent with the laws of the United States, or this state, as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, navigable waters, wharves, docks, piers, and landing places within the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2806;—CL 1915, 2677;—CL 1929, 1586;—CL 1948, 67.38;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.39 Harbor master; appointment; duties; compensation.

Sec. 39. The president may nominate and the council may appoint a harbor master. The harbor master shall enforce all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings, and basins within the village, and in respect to the navigation, trade, and commerce of the village. The council may prescribe the powers and duties of the harbor master and fix his or her compensation.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2807;—CL 1915, 2678;—CL 1929, 1587;—CL 1948, 67.39;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

FERRIES.

67.40 Ferry licenses; terms and restrictions; sanctions.

Sec. 40. The council of a village may regulate and license ferries from the village, or a place in the village; require the payment of a reasonable sum for a ferry license; impose reasonable terms and restrictions, in relation to the keeping and management of ferries and the time, manner, and rates of carriage and transportation of persons and property by ferry; provide for the revocation of a ferry license and for the imposition of sanctions for a violation of an ordinance prohibiting unlicensed ferries or regulating ferries established and licensed.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2808;—CL 1915, 2679;—CL 1929, 1588;—CL 1948, 67.40;—Am. 1994, Act 16, Eff. May 1, 1994.

MARKETS.

67.41 Markets; establishment; regulation.

Sec. 41. The council of any village may establish and regulate markets and marketplaces, for the sale of meats, fish, vegetables, and other food products and prescribe rules and regulations relating to hours of business, sanitation, traffic, and other matters normally incidental to the proper management of a market consistent with the market authority act of 1956, 1956 PA 185, MCL 123.671 to 123.680.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2809;—CL 1915, 2680;—CL 1929, 1589;—CL 1948, 67.41;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.42 Regulations; adoption, enforcement.

Sec. 42. The council may adopt and enforce such regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate arrest, and removal from the market, of any person violating such regulations, together with any article in his possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein, or elsewhere in the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2810;—CL 1915, 2681;—CL 1929, 1590;—CL 1948, 67.42.

PARTITION FENCES.

67.43 Ordinances and laws; fence viewers.

Sec. 43. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the village; and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2811;—CL 1915, 2682;—CL 1929, 1591;—CL 1948, 67.43.

POLICE.

67.44-67.46a Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: The repealed sections pertained to village police force.

PUBLIC HEALTH.

67.47-67.54 Repealed. 1978, Act 368, Eff. Sept. 30, 1978.

CEMETERIES.

67.55 Interments; regulation.

Sec. 55. Any village may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the further interment of the dead within the village, or may limit such interment therein to such cemetery or burial place as the council may prescribe. And the council may cause any bodies buried within the village, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2823;—CL 1915, 2694;—CL 1929, 1603;—CL 1948, 67.55.

67.56 Cemeteries; appropriation by council.

Sec. 56. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care of the cemetery grounds.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2824;—CL 1915, 2695;—CL 1929, 1604;—CL 1948, 67.56;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.57 Board of cemetery trustees; appointment; terms; removal; compensation.

Sec. 57. (1) Whenever any village owns, purchases, or otherwise acquires any cemetery or cemetery grounds, the council may appoint a board of cemetery trustees. The council may provide that the powers conferred upon a board of cemetery trustees by this act shall be exercised by the department of public works director, or the village manager, if any.

(2) A board of cemetery trustees shall consist of 3 individuals. The trustees shall hold their office for the term of 3 years, except that at the first appointment, 1 shall be appointed for 1 year, 1 for 2 years, and 1 for the term of 3 years from the second Monday in April of the year when appointed. One trustee shall be appointed annually thereafter. The council may remove any trustee so appointed for inattention to his or her duties, want of proper judgment or skill in or for the proper discharge of his or her duties, or other good cause. The board shall serve without compensation.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2825;—CL 1915, 2696;—CL 1929, 1605;—CL 1948, 67.57;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.58 Board of cemetery trustees; chairperson; clerk; powers; duties.

Sec. 58. The board of cemetery trustees shall appoint 1 of their number chairperson and the village clerk shall be clerk of the board, and the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management, and preservation of the cemetery, including the cemetery grounds, tombs, monuments, and appurtenances. The board shall perform such other duties as the council may prescribe.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2826;—CL 1915, 2697;—CL 1929, 1606;—CL 1948, 67.58;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.59 Board of cemetery trustees; duties; directions of council.

Sec. 59. Said board subject to the directions and ordinances of the council, shall have the care and management of any such cemetery or burial place or places and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the village clerk. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the village by the clerk and be recorded in his office at the expense of the purchasers.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2827;—CL 1915, 2698;—CL 1929, 1607;—CL 1948, 67.59.

67.60 Board of cemetery trustees; cemetery employees; ordinances, enforcement; rules.

Sec. 60. Said board shall appoint the necessary superintendents and employes for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of the village made for the management and care thereof and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the village and the laws of the state.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2828;—CL 1915, 2699;—CL 1929, 1608;—CL 1948, 67.60.

67.61 Board of trustees; cemetery fund; use; reports to council; contents; verification.

Sec. 61. (1) Money raised for any public cemetery authorized by this act, and money received from the sale of lots or from other cemetery operations, shall be paid into the village treasury and constitute the "cemetery fund". The cemetery fund shall be used exclusively for cemetery purposes. The board of trustees shall report to the council annually, on the first Monday in March, and more often when the council requires, all of the following:

(a) For money received into and owing to the cemetery fund, the amount, source, and the payor or debtor.
(b) For expenditures and liabilities incurred, the date, amount, items, and purpose, and to whom paid, and to whom incurred.

(c) Such other matters as the council shall require to be reported.

(2) The report under subsection (1) shall be verified by the oath of the clerk of the board.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2829;—CL 1915, 2700;—CL 1929, 1609;—CL 1948, 67.61;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.62 Necessary ordinances; enforcement.

Sec. 62. The council of a village owning a burial place, whether within or without the village, may pass and enforce an ordinance necessary to carry into effect the provisions of this act concerning burial places, to control or regulate the burial place and the improvement of the burial place, to protect it and its appurtenances from injury, and to impose sanctions for a violation of a lawful order or regulation made by the board of

cemetery trustees.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2830;—CL 1915, 2701;—CL 1929, 1610;—CL 1948, 67.62;—Am. 1994, Act 16, Eff. May 1, 1994.

67.63 Cemetery trustees; power to accept gifts; use.

Sec. 63. The board of cemetery trustees may receive in trust money or other property as gifts, grants, devises, or bequests for cemetery purposes. The money or other property shall be held in trust by the board, subject to the terms and conditions on which it was given, granted, devised, or bequeathed, and shall constitute a trust fund. The money shall, unless otherwise expressed by those making such gifts, grants, devises, or bequests, be invested as permanent fund in undoubted real estate security, U.S. bonds, state bonds, or municipal bonds, and the interest thereon after fulfillment of such conditions expressed shall be used in improving the cemetery under the control of the cemetery board. The gifts, grants, devises, or bequests shall be used exclusively for cemetery purposes.

History: Add. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2702;—CL 1929, 1611;—CL 1948, 67.63;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

67.64 Board of cemetery trustees; rules and bylaws; recording bylaws; appointment, duties, and bond of treasurer; conducting business at public meeting; notice of meeting; availability of certain writings to public.

Sec. 64. (1) The board of cemetery trustees may make all requisite and necessary rules and bylaws to carry into effect the powers vested and duties required by section 63. The bylaws shall be recorded in a book kept for that purpose. The board of cemetery trustees shall also appoint a treasurer from the membership of the board, whose duties shall be, under the direction of the board, to receive, account for, and invest all money received by the board under section 63. The treasurer shall give and execute a bond to the board of cemetery trustees in a sum fixed by the council.

(2) The business which the board of cemetery trustees may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(3) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: Add. 1899, Act 223, Eff. Sept. 23, 1899;—CL 1915, 2703;—CL 1929, 1612;—CL 1948, 67.64;—Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.