

THE GENERAL LAW VILLAGE ACT (EXCERPT)

Act 3 of 1895

CHAPTER XII

LIGHTING.

72.1 Authorized village lighting.

Sec. 1. A village may purchase or construct, and operate and maintain either independently or in connection with the water works of the village, either within or without the village, works to supply the village with gas, electric, or other lights, at such times and on such terms and conditions as directed by the council under this chapter.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2901;—CL 1915, 2775;—Am. 1917, Act 25, Eff. Aug. 10, 1917;—CL 1929, 1684;—CL 1948, 72.1;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.2 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

Compiler's note: The repealed section pertained to authorization of lighting by council.

72.3 Authorized village lighting; acquisition estimate; referendum; restriction on council.

Sec. 3. (1) To exercise the powers granted by section 1 of this chapter, the council shall adopt a resolution declaring that it is expedient for the village to acquire by purchase or construction, as applicable, works to supply the village with electric or other lights, and shall make and record in their proceedings an estimate of the expense.

(2) The question of financing the estimated amount or that part of the estimated amount not in excess of limitations on indebtedness of the village provided by law shall be submitted to the electors of the village at its regular election, or at a special election called for that purpose by the council as provided in this act. Approval of the proposal requires the affirmative vote of 2/3 of the electors voting at the election by ballot.

(3) If the voters approve financing a part of the estimated amount not in excess of the limitations on indebtedness of the village, the council shall not incur any indebtedness for lighting works on the general faith and credit of the village until the charter is amended to permit the issuance of mortgage bonds on the proposed lighting plant, its revenues and franchise, in excess of the general limitations on indebtedness as provided by this act, in an amount equal to the difference between the indebtedness authorized by this act, and the estimated amount.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2903;—CL 1915, 2777;—Am. 1925, Act 214, Imd. Eff. May 6, 1925;—CL 1929, 1686;—CL 1948, 72.3;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

72.4 Authorized village lighting; borrowing; limitation; payment; bonds; terms.

Sec. 4. (1) A village may borrow a sum of money not exceeding 5% of the taxable value of the property in the village as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing or constructing and maintaining lighting works as provided in this chapter. The council may fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter, and issue bonds of the village for those purposes. Bonds issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) The total amount expended for the purchase or construction of the lighting works shall not exceed the amount of the estimate of expense provided for in section 3 of this chapter.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2904;—CL 1915, 2778;—CL 1929, 1687;—CL 1948, 72.4;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

72.5 Lighting works; repairs, alterations, or extensions; raising and expenditure of funds; title retention contract providing for payment from available net revenues; construction.

Sec. 5. (1) After lighting works have been purchased or constructed in the village as provided in this chapter, the council may raise and expend money to repair, alter, or extend the lighting works without submitting the question to the electors of the village. However, the sum to be so raised, in any 1 year, shall be included in, and shall not increase the total amount that the council is authorized to raise under section 1 of chapter IX.

(2) Instead of raising the funds by tax, the council may, by a contract that does not impose a general obligation on the village, provide for repairs, alterations, or extensions of the lighting works. The contract shall provide for payment of the contract out of the net revenues which, after payment of obligations due, provision for payment of obligations to become due, and payment of legitimate and necessary operating and other expenses are available from the operation of the lighting works after completion of the repairs,

alterations, or extensions. The contract shall provide for the retention of title to materials furnished in the seller until paid for in full. However, a contract made under this section does not deprive the people of the village of any right vested in them by the constitution or the laws of this state, grant a franchise or its operating equivalent, or convey title to property to any person not possessed of such title before the execution of the title retaining contract.

(3) Instead of raising funds to repair, alter, or extend the lighting works by tax as provided by section 1 of chapter IX, or using funds available from the operation of the lighting works, as provided in this section, the council may borrow money and issue bonds in the manner provided in section 3 of this chapter for the acquisition or construction of lighting works, except that approval of the proposal requires the affirmative vote of 3/5 of the electors voting on the question.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2905;—CL 1915, 2779;—Am. 1919, Act 309, Eff. Aug. 14, 1919;—CL 1929, 1688;—CL 1948, 72.5;—Am. 1954, Act 119, Eff. Aug. 13, 1954;—Am. 1983, Act 44, Imd. Eff. May 12, 1983;—Am. 1998, Act 254, Imd. Eff. July 13, 1998;—Am. 2002, Act 276, Imd. Eff. May 9, 2002.

Compiler's note: For provisions of section 1 of chapter 9, referred to in the first sentence, see MCL 69.1.

72.6 Light rates.

Sec. 6. The council may fix the just and equitable rates for supplying the village with lights.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2906;—CL 1915, 2780;—CL 1929, 1689;—CL 1948, 72.6;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.7 Lighting; condemnation of property.

Sec. 7. If it is necessary in the judgment of the council to appropriate private property for the construction and maintenance, or for the due operation of lighting works, the village may do so in the manner provided in the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2907;—CL 1915, 2781;—CL 1929, 1690;—CL 1948, 72.7;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.8 Lighting; contract; users of streets, wharves, public grounds.

Sec. 8. The council may contract from year to year, or for a period not exceeding 10 years, with a person to supply the village with gas, electric, or other lights and may grant to the person the right to the use of the streets, alleys, wharves, and public grounds of the village as necessary to construct, maintain, and operate proper works for the supplying of such light upon terms and conditions specified in the contract.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2908;—CL 1915, 2782;—CL 1929, 1691;—CL 1948, 72.8;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.

72.9 Lighting works; control and preservation; ordinances and resolutions.

Sec. 9. The council may enact such ordinances and adopt resolutions for the care, protection, preservation, and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected with or belonging to the lighting works, and to exercise the powers granted by this chapter.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2909;—CL 1915, 2783;—CL 1929, 1692;—CL 1948, 72.9;—Am. 1998, Act 254, Imd. Eff. July 13, 1998.