



# SENATE BILL No. 734

August 31, 1993, Introduced by Senator CONROY and referred to the Committee on Judiciary.

A bill to amend section 24 of Act No. 278 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; and to validate bonds issued and obligations previously incurred,"

being section 78.24 of the Michigan Compiled Laws; and to add section 25a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 24 of Act No. 278 of the Public Acts of  
2 1909, being section 78.24 of the Michigan Compiled Laws, is  
3 amended and section 25a is added to read as follows:

4 Sec. 24. A village may in its charter provide FOR 1 OR  
5 MORE OF THE FOLLOWING:

1           (a) ~~For the~~ THE regulation of a trade, occupation, ~~and~~  
2 OR amusement within the village's boundaries, including the sale  
3 of intoxicating liquor and the number of licenses to be issued  
4 for the sale of intoxicating liquor. A charter shall not permit  
5 the sale of liquor in a county in which the sale is prohibited by  
6 operation of the general local option law of this state, but may  
7 suppress saloons for the sale of ~~spirituous and~~ intoxicating  
8 liquor.

9           (b) ~~For the~~ THE punishment ~~by a proper penalty~~ of a  
10 person who violates ~~a law or~~ AN ordinance of the village OTHER  
11 THAN AN ORDINANCE DESCRIBED IN SECTION 25A. A penalty shall not  
12 ~~be more than~~ EXCEED a fine of \$500.00 or ~~90 days~~ imprison-  
13 ment ~~in the county jail, village prison, or a workhouse in this~~  
14 ~~state authorized by ordinance to receive a prisoner from the~~  
15 ~~village~~ FOR 90 DAYS, or both. ~~a fine and imprisonment.~~

16           (c) ~~For the~~ THE establishment of a department considered  
17 necessary for the general welfare of the village and for the sep-  
18 arate incorporation of the village. This subdivision ~~shall not~~  
19 ~~be construed to extend~~ DOES NOT APPLY to a public school.

20           (d) ~~For the~~ THE use and enjoyment of the surface of a  
21 street of the village, and of the space above and beneath the  
22 street.

23           (e) ~~For the~~ THE assessment and reassessment of the cost,  
24 or a portion of the cost, of a public improvement to a special  
25 district. The payment of a future ~~due~~ installment of a special  
26 assessment against a parcel of land may be made at any time in

1 full, with interest accrued to the due date of the next  
2 installment.

3 (f) ~~For the~~ THE purchase of private property for a public  
4 use or purpose within the scope of ~~its~~ THE powers OF THE  
5 VILLAGE.

6 (g) ~~For the~~ THE sale and delivery of water outside of  
7 ~~its~~ THE corporate limits OF THE VILLAGE in an amount ~~as may~~  
8 ~~be~~ determined by the legislative body of the village.

9 (h) ~~For the acquisition, by~~ THE purchase ~~—~~ OF land out-  
10 side ~~its~~ THE corporate limits OF THE VILLAGE IF necessary for  
11 the disposal of sewage and garbage ~~—~~ or for a purpose autho-  
12 rized by the state constitution of 1963 or the general law of  
13 this state.

14 (i) ~~For the~~ THE use, upon the payment of reasonable com-  
15 pensation by ~~others~~ PERSONS OTHER than the owner, of property  
16 located in a street, alley, or public place ~~and~~ IF THE PROPERTY  
17 IS used in the operation of a public utility.

18 (j) ~~For a~~ A plan of streets and alleys within the  
19 village's limits.

20 (k) ~~For the~~ THE use, control, and regulation of a stream,  
21 water, or ~~water course~~ WATERCOURSE within the village's bounda-  
22 ries, but not so as to conflict with a law, or action under a  
23 law, by which a navigable stream is bridged or dammed.

24 (l) ~~For the~~ THE enforcement of each ~~local,~~ police, sani-  
25 tary, or other ~~regulation as~~ ORDINANCE THAT is not in conflict  
26 with the general law of this state.

1           (m) ~~For the~~ THE exercise of each municipal power in the  
2 management and control of ~~municipal~~ VILLAGE property and ~~in~~  
3 the administration of the ~~municipal~~ VILLAGE government, whether  
4 the power is expressly enumerated in this act or not; ~~for~~ an  
5 act to advance the interest of the village, and the good govern-  
6 ment and prosperity of the ~~municipality~~ VILLAGE and its inhab-  
7 itants; and ~~for~~ the making OF ~~laws which~~ ORDINANCES THAT are  
8 necessary and proper for carrying into execution ~~each of~~ the  
9 ~~foregoing~~ powers CONFERRED BY THIS ACT, and other powers vested  
10 by the state constitution of 1963 in villages, except if forbid-  
11 den ~~—~~ BY or if the subject is covered exclusively by the gen-  
12 eral law of this state.

13           (n) ~~For the~~ THE sale and delivery of heat, power, and  
14 light outside the village's corporate limits ~~at wholesale or~~  
15 ~~other than wholesale~~ in an amount ~~as may be~~ determined by the  
16 legislative body of the village, except that a sale at other than  
17 wholesale shall be limited to the area of a city, village, or  
18 township ~~which~~ THAT is contiguous to the village as of June 23,  
19 1974, and to the area of any other city, village, or township  
20 being served as of June 23, 1974. However, a village shall not  
21 ~~render~~ SELL heat, power, or light to a customer outside the  
22 village's corporate limits already receiving the service from  
23 another utility unless the serving utility consents in writing.  
24 For purposes of this subdivision, "wholesale" means the sale or  
25 exchange of heat, power, or light between public utility systems,  
26 whether municipally, cooperatively, or privately owned.

1 SEC. 25A. (1) WHETHER OR NOT AUTHORIZED BY THE VILLAGE  
2 CHARTER, THE LEGISLATIVE BODY OF A VILLAGE MAY MAKE A VIOLATION  
3 OF AN ORDINANCE A CIVIL INFRACTION.

4 (2) A VIOLATION OF AN ORDINANCE IS A MUNICIPAL CIVIL INFRAC-  
5 TION ONLY IF THE ORDINANCE EXPLICITLY STATES THAT A VIOLATION IS  
6 A MUNICIPAL CIVIL INFRACTION. AN ORDINANCE SHALL NOT MAKE AN ACT  
7 OR OMISSION A MUNICIPAL CIVIL INFRACTION IF THAT ACT OR OMISSION  
8 CONSTITUTES A CRIME UNDER ANY OF THE FOLLOWING:

9 (A) ARTICLE 7 OR SECTION 17766A OF THE PUBLIC HEALTH CODE,  
10 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7101  
11 TO 333.7545 AND 333.17766A OF THE MICHIGAN COMPILED LAWS.

12 (B) THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS  
13 OF 1931, BEING SECTIONS 750.1 TO 750.568 OF THE MICHIGAN COMPILED  
14 LAWS.

15 (C) ACT NO. 158 OF THE PUBLIC ACTS OF 1966, BEING  
16 SECTIONS 752.11 TO 752.12 OF THE MICHIGAN COMPILED LAWS.

17 (D) SECTION 1 OF ACT NO. 70 OF THE PUBLIC ACTS OF 1877,  
18 BEING SECTION 752.21 OF THE MICHIGAN COMPILED LAWS.

19 (E) ACT NO. 119 OF THE PUBLIC ACTS OF 1967, BEING  
20 SECTIONS 752.271 TO 752.274 OF THE MICHIGAN COMPILED LAWS.

21 (F) SECTION 25 OF CHAPTER 158 OF THE REVISED STATUTES OF  
22 1846, BEING SECTION 752.525 OF THE MICHIGAN COMPILED LAWS.

23 (G) SECTION 2 OF ACT NO. 26 OF THE PUBLIC ACTS OF 1970,  
24 BEING SECTION 752.582 OF THE MICHIGAN COMPILED LAWS.

25 (H) SECTION 5 OF ACT NO. 105 OF THE PUBLIC ACTS OF 1951,  
26 BEING SECTION 752.825 OF THE MICHIGAN COMPILED LAWS.

1 (I) ACT NO. 10 OF THE PUBLIC ACTS OF 1952, BEING  
2 SECTIONS 752.841 TO 752.845 OF THE MICHIGAN COMPILED LAWS.

3 (J) SECTION 1 OF ACT NO. 45 OF THE PUBLIC ACTS OF 1952,  
4 BEING SECTION 752.861 OF THE MICHIGAN COMPILED LAWS.

5 (K) SECTION 1 OF ACT NO. 81 OF THE PUBLIC ACTS OF 1954,  
6 BEING SECTION 752.881 OF THE MICHIGAN COMPILED LAWS.

7 (1) SECTION 3A OF ACT NO. 106 OF THE PUBLIC ACTS OF 1963,  
8 BEING SECTION 752.903A OF THE MICHIGAN COMPILED LAWS.

9 (3) IF A VIOLATION OF AN ORDINANCE IS A CIVIL INFRACTION,  
10 THE ORDINANCE MAY PROVIDE A CIVIL FINE FOR ITS VIOLATION.

11 (4) AS USED IN THIS SECTION, "CIVIL INFRACTION" AND  
12 "MUNICIPAL CIVIL INFRACTION" MEAN THOSE TERMS AS DEFINED IN  
13 SECTION 113 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF  
14 THE PUBLIC ACTS OF 1961, BEING SECTION 600.113 OF THE MICHIGAN  
15 COMPILED LAWS.

16 Section 2. This amendatory act shall not take effect unless  
17 Senate Bill No. 731

18 of the 87th Legislature is enacted into law.