

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

ARTICLE VII
LOCAL GOVERNMENT

§ 1 Counties; corporate character, powers and immunities.

Sec. 1. Each organized county shall be a body corporate with powers and immunities provided by law.

History: Const. 1963, Art. VII, § 1, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 1.

§ 2 County charters.

Sec. 2. Any county may frame, adopt, amend or repeal a county charter in a manner and with powers and limitations to be provided by general law, which shall among other things provide for the election of a charter commission. The law may permit the organization of county government in form different from that set forth in this constitution and shall limit the rate of ad valorem property taxation for county purposes, and restrict the powers of charter counties to borrow money and contract debts. Each charter county is hereby granted power to levy other taxes for county purposes subject to limitations and prohibitions set forth in this constitution or law. Subject to law, a county charter may authorize the county through its regularly constituted authority to adopt resolutions and ordinances relating to its concerns.

Election of charter commissions.

The board of supervisors by a majority vote of its members may, and upon petition of five percent of the electors shall, place upon the ballot the question of electing a commission to frame a charter.

Approval of electors.

No county charter shall be adopted, amended or repealed until approved by a majority of electors voting on the question.

History: Const. 1963, Art. VII, § 2, Eff. Jan. 1, 1964.

§ 3 Reduction of size of county.

Sec. 3. No organized county shall be reduced by the organization of new counties to less than 16 townships as surveyed by the United States, unless approved in the manner prescribed by law by a majority of electors voting thereon in each county to be affected.

History: Const. 1963, Art. VII, § 3, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 2.

§ 4 County officers; terms, combination.

Sec. 4. There shall be elected for four-year terms in each organized county a sheriff, a county clerk, a county treasurer, a register of deeds and a prosecuting attorney, whose duties and powers shall be provided by law. The board of supervisors in any county may combine the offices of county clerk and register of deeds in one office or separate the same at pleasure.

History: Const. 1963, Art. VII, § 4, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 3.

§ 5 Offices at county seat.

Sec. 5. The sheriff, county clerk, county treasurer and register of deeds shall hold their principal offices at the county seat.

History: Const. 1963, Art. VII, § 5, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 4.

§ 6 Sheriffs; security, responsibility for acts, ineligibility for other office.

Sec. 6. The sheriff may be required by law to renew his security periodically and in default of giving such security, his office shall be vacant. The county shall never be responsible for his acts, except that the board of supervisors may protect him against claims by prisoners for unintentional injuries received while in his custody. He shall not hold any other office except in civil defense.

History: Const. 1963, Art. VII, § 6, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 5.

§ 7 Boards of supervisors; members.

Sec. 7. A board of supervisors shall be established in each organized county consisting of one member from each organized township and such representation from cities as provided by law.

History: Const. 1963, Art. VII, § 7, Eff. Jan. 1, 1964.

Constitutionality: Section held invalid under federal constitution. Advisory Opinion re Constitutionality of 1966 PA 261, 380 Mich 736; 158 NW2d 497 (1968); In re Apportionment of Ontonagon County Board of Supervisors, 11 Mich App 348; 157 NW2d 698 (1967).

Former constitution: See Const. 1908, Art. VIII, § 7.

§ 8 Legislative, administrative, and other powers and duties of boards.

Sec. 8. Boards of supervisors shall have legislative, administrative and such other powers and duties as provided by law.

History: Const. 1963, Art. VII, § 8, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 8.

§ 9 Compensation of county officers.

Sec. 9. Boards of supervisors shall have exclusive power to fix the compensation of county officers not otherwise provided by law.

History: Const. 1963, Art. VII, § 9, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 9.

§ 10 Removal of county seat.

Sec. 10. A county seat once established shall not be removed until the place to which it is proposed to be moved shall be designated by two-thirds of the members of the board of supervisors and a majority of the electors voting thereon shall have approved the proposed location in the manner prescribed by law.

History: Const. 1963, Art. VII, § 10, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 13.

§ 11 Indebtedness, limitation.

Sec. 11. No county shall incur any indebtedness which shall increase its total debt beyond 10 percent of its assessed valuation.

History: Const. 1963, Art. VII, § 11, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 12.

§ 12 Navigable streams, permission to bridge or dam.

Sec. 12. A navigable stream shall not be bridged or dammed without permission granted by the board of supervisors of the county as provided by law, which permission shall be subject to such reasonable compensation and other conditions as may seem best suited to safeguard the rights and interests of the county and political subdivisions therein.

History: Const. 1963, Art. VII, § 12, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 14.

§ 13 Consolidation of counties, approval by electors.

Sec. 13. Two or more contiguous counties may combine into a single county if approved in each affected county by a majority of the electors voting on the question.

History: Const. 1963, Art. VII, § 13, Eff. Jan. 1, 1964.

§ 14 Organization and consolidation of townships.

Sec. 14. The board of supervisors of each organized county may organize and consolidate townships under restrictions and limitations provided by law.

History: Const. 1963, Art. VII, § 14, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 15.

§ 15 County intervention in public utility service and rate proceedings.

Sec. 15. Any county, when authorized by its board of supervisors shall have the authority to enter or to intervene in any action or certificate proceeding involving the services, charges or rates of any privately owned public utility furnishing services or commodities to rate payers within the county.

History: Const. 1963, Art. VII, § 15, Eff. Jan. 1, 1964.

§ 16 Highways, bridges, culverts, airports; road tax limitation.

Sec. 16. The legislature may provide for the laying out, construction, improvement and maintenance of

highways, bridges, culverts and airports by the state and by the counties and townships thereof; and may authorize counties to take charge and control of any highway within their limits for such purposes. The legislature may provide the powers and duties of counties in relation to highways, bridges, culverts and airports; may provide for county road commissioners to be appointed or elected, with powers and duties provided by law. The ad valorem property tax imposed for road purposes by any county shall not exceed in any year one-half of one percent of the assessed valuation for the preceding year.

History: Const. 1963, Art. VII, § 16, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 26.

§ 17 Townships; corporate character, powers and immunities.

Sec. 17. Each organized township shall be a body corporate with powers and immunities provided by law.

History: Const. 1963, Art. VII, § 17, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 16.

§ 18 Township officers; term, powers and duties.

Sec. 18. In each organized township there shall be elected for terms of not less than two nor more than four years as prescribed by law a supervisor, a clerk, a treasurer, and not to exceed four trustees, whose legislative and administrative powers and duties shall be provided by law.

History: Const. 1963, Art. VII, § 18, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 18.

§ 19 Township public utility franchises.

Sec. 19. No organized township shall grant any public utility franchise which is not subject to revocation at the will of the township, unless the proposition shall first have been approved by a majority of the electors of such township voting thereon at a regular or special election.

History: Const. 1963, Art. VII, § 19, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 19.

§ 20 Townships, dissolution; villages as cities.

Sec. 20. The legislature shall provide by law for the dissolution of township government whenever all the territory of an organized township is included within the boundaries of a village or villages notwithstanding that a village may include territory within another organized township and provide by law for the classification of such village or villages as cities.

History: Const. 1963, Art. VII, § 20, Eff. Jan. 1, 1964.

§ 21 Cities and villages; incorporation, taxes, indebtedness.

Sec. 21. The legislature shall provide by general laws for the incorporation of cities and villages. Such laws shall limit their rate of ad valorem property taxation for municipal purposes, and restrict the powers of cities and villages to borrow money and contract debts. Each city and village is granted power to levy other taxes for public purposes, subject to limitations and prohibitions provided by this constitution or by law.

History: Const. 1963, Art. VII, § 21, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 20.

§ 22 Charters, resolutions, ordinances; enumeration of powers.

Sec. 22. Under general laws the electors of each city and village shall have the power and authority to frame, adopt and amend its charter, and to amend an existing charter of the city or village heretofore granted or enacted by the legislature for the government of the city or village. Each such city and village shall have power to adopt resolutions and ordinances relating to its municipal concerns, property and government, subject to the constitution and law. No enumeration of powers granted to cities and villages in this constitution shall limit or restrict the general grant of authority conferred by this section.

History: Const. 1963, Art. VII, § 22, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 21.

§ 23 Parks, boulevards, cemeteries, hospitals.

Sec. 23. Any city or village may acquire, own, establish and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals and all works which involve the public health or safety.

History: Const. 1963, Art. VII, § 23, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 22.

§ 24 Public service facilities.

Sec. 24. Subject to this constitution, any city or village may acquire, own or operate, within or without its corporate limits, public service facilities for supplying water, light, heat, power, sewage disposal and transportation to the municipality and the inhabitants thereof.

Services outside corporate limits.

Any city or village may sell and deliver heat, power or light without its corporate limits in an amount not exceeding 25 percent of that furnished by it within the corporate limits, except as greater amounts may be permitted by law; may sell and deliver water and provide sewage disposal services outside of its corporate limits in such amount as may be determined by the legislative body of the city or village; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

History: Const. 1963, Art. VII, § 24, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 23.

§ 25 Public utilities; acquisition, franchises, sale.

Sec. 25. No city or village shall acquire any public utility furnishing light, heat or power, or grant any public utility franchise which is not subject to revocation at the will of the city or village, unless the proposition shall first have been approved by three-fifths of the electors voting thereon. No city or village may sell any public utility unless the proposition shall first have been approved by a majority of the electors voting thereon, or a greater number if the charter shall so provide.

History: Const. 1963, Art. VII, § 25, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 25.

§ 26 Cities and villages, loan of credit.

Sec. 26. Except as otherwise provided in this constitution, no city or village shall have the power to loan its credit for any private purpose or, except as provided by law, for any public purpose.

History: Const. 1963, Art. VII, § 26, Eff. Jan. 1, 1964.

§ 27 Metropolitan governments and authorities.

Sec. 27. Notwithstanding any other provision of this constitution the legislature may establish in metropolitan areas additional forms of government or authorities with powers, duties and jurisdictions as the legislature shall provide. Wherever possible, such additional forms of government or authorities shall be designed to perform multipurpose functions rather than a single function.

History: Const. 1963, Art. VII, § 27, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 31.

§ 28 Governmental functions and powers; joint administration, costs and credits, transfers.

Sec. 28. The legislature by general law shall authorize two or more counties, townships, cities, villages or districts, or any combination thereof among other things to: enter into contractual undertakings or agreements with one another or with the state or with any combination thereof for the joint administration of any of the functions or powers which each would have the power to perform separately; share the costs and responsibilities of functions and services with one another or with the state or with any combination thereof which each would have the power to perform separately; transfer functions or responsibilities to one another or any combination thereof upon the consent of each unit involved; cooperate with one another and with state government; lend their credit to one another or any combination thereof as provided by law in connection with any authorized publicly owned undertaking.

Officers, eligibility.

Any other provision of this constitution notwithstanding, an officer or employee of the state or any such unit of government or subdivision or agency thereof, except members of the legislature, may serve on or with any governmental body established for the purposes set forth in this section and shall not be required to relinquish his office or employment by reason of such service.

History: Const. 1963, Art. VII, § 28, Eff. Jan. 1, 1964.

§ 29 Highways, streets, alleys, public places; control, use by public utilities.

Sec. 29. No person, partnership, association or corporation, public or private, operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of any county, township, city or village for wires, poles, pipes, tracks, conduits or other utility facilities, without the consent of the duly constituted authority of the county, township, city or village; or to transact local business therein without first

obtaining a franchise from the township, city or village. Except as otherwise provided in this constitution the right of all counties, townships, cities and villages to the reasonable control of their highways, streets, alleys and public places is hereby reserved to such local units of government.

History: Const. 1963, Art. VII, § 29, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 28.

§ 30 Franchises and licenses, duration.

Sec. 30. No franchise or license shall be granted by any township, city or village for a period longer than 30 years.

History: Const. 1963, Art. VII, § 30, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 29.

§ 31 Vacation or alteration of roads, streets, alleys, public places.

Sec. 31. The legislature shall not vacate or alter any road, street, alley or public place under the jurisdiction of any county, township, city or village.

History: Const. 1963, Art. VII, § 31, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. VIII, § 27.

§ 32 Budgets, public hearing.

Sec. 32. Any county, township, city, village, authority or school district empowered by the legislature or by this constitution to prepare budgets of estimated expenditures and revenues shall adopt such budgets only after a public hearing in a manner prescribed by law.

History: Const. 1963, Art. VII, § 32, Eff. Jan. 1, 1964.

§ 33 Removal of elected officers.

Sec. 33. Any elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.

History: Const. 1963, Art. VII, § 33, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. IX, § 8.

§ 34 Construction of constitution and law concerning counties, townships, cities, villages.

Sec. 34. The provisions of this constitution and law concerning counties, townships, cities and villages shall be liberally construed in their favor. Powers granted to counties and townships by this constitution and by law shall include those fairly implied and not prohibited by this constitution.

History: Const. 1963, Art. VII, § 34, Eff. Jan. 1, 1964.