# THE GENERAL LAW VILLAGE ACT

## Act 3 of 1895

AN ACT to provide for the government of certain villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages subject to this act; to define the powers and duties of certain state and local officers and entities; to define the application of this act and provide for its amendment by villages subject to this act; to validate prior amendments and certain prior actions taken and bonds issued by villages subject to this act; to provide for the disincorporation of villages; and to prescribe penalties and provide remedies.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- Am. 1954, Act 119, Eff. Aug. 13, 1954 ;-- Am. 1962, Act 186, Imd. Eff. May 24, 1962 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1983, Act 44, Imd. Eff. May 12, 1983 ;-- Am. 1998, Act 145, Eff. Mar. 23, 1999 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

The People of the State of Michigan enact:

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## Chapter I
## INCORPORATION.

### 61.1 Incorporation of villages; charter.

Sec. 1.

This act is the charter for all villages incorporated under this act.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2684 ;-- CL 1915, 2555 ;-- CL 1929, 1465 ;-- CL 1948, 61.1 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 61.1a Definitions.

Sec. 1a.

As used in this act:

(a) "Appointed officer" means any officer, except an officer who is appointed to fill an elective but vacant seat on the council.

(b) "Civil infraction action", "municipal civil infraction", and, except as used in section 2 of chapter VI, "civil infraction" mean those terms as defined in section 113 of the revised judicature act of 1961, 1961 PA 236, MCL 600.113.

(c) "Council" or "members of council", with respect to voting procedure, means 1 of the following:

(i) The president and 6 trustees, if the village has not adopted an ordinance reducing the number of trustees under chapter II.

(ii) The president and 4 trustees, if the village has adopted an ordinance reducing the number of trustees under chapter II.

(d) "Elector" means an individual who has the qualifications of an elector under section 492 of the Michigan election law, 1954 PA 116, MCL 168.492.

(e) "Officer" means the village president, clerk, or treasurer, a village trustee, or an appointed person authorized by the council.

(f) "Quorum" means, except as otherwise defined, 1 of the following:

(i) Three council members, if the village has adopted an ordinance reducing the number of trustees under chapter II.

(ii) Four council members, if the village has not adopted an ordinance reducing the number of trustees under chapter II.

**History:** Add. 1945, Act 24, Eff. Sept. 6, 1945 ;-- CL 1948, 61.1a ;-- Am. 1994, Act 16, Eff. May 1, 1994 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 61.1b Construction of act; validation of bonds.

Sec. 1b.

No provision of this act shall apply or be construed as having heretofore applied to any village incorporated or reincorporated under Act No. 278 of the Public Acts of 1909, as amended, being sections 78.1 to 78.28 of the Compiled Laws of 1948, unless specifically adopted by the electors as a part of its village charter. The provisions of this act shall be deemed to be in the nature of charter provisions for any village incorporated thereunder or subject thereto and any such provision may be altered or removed by amendment adopted by the electors as provided in Act No. 278 of the Public Acts of 1909, as amended, provided that the effect of the amendment is such as might legally be accomplished by charter provision in the case of a village operating under Act No. 278. All such amendments heretofore so adopted by any village incorporated under or subject to this act, and all actions heretofore taken and all bonds heretofore issued under or in accordance with such amendments, are hereby validated to the same effect as if the foregoing provision had been in effect when such amendments were adopted.

**History:** Add. 1962, Act 186, Imd. Eff. May 24, 1962

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### 61.1c Emergency financial manager; authority and responsibilities.

Sec. 1c.

Notwithstanding any provision of this act, if an emergency financial manager has been appointed under the local government fiscal responsibility act, Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, with respect to a village governed by this act, then that emergency financial manager may exercise the authority and responsibilities provided in this act to the extent authorized by Act No. 101 of the Public Acts of 1988.

**History:** Add. 1988, Act 196, Imd. Eff. June 27, 1988

### 61.1d Minimum staffing requirement; adoption of village charter or ordinance prohibited.

Sec. 1d.

Beginning on the effective date of the amendatory act that added this section, a village shall not adopt a village charter or ordinance that includes any minimum staffing requirement for village employees. Except as otherwise provided in this section, any provision in a village charter or ordinance adopted on or after the effective date of the amendatory act that added

this section that contains a minimum staffing requirement for village employees is void and unenforceable.

**History:** Add. 2011, Act 140, Imd. Eff. Sept. 13, 2011

### 61.2-61.11 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed sections pertained to incorporation of villages.

### 61.12 Village incorporated; body politic; powers.

Sec. 12.

A village incorporated under this act is a body politic and corporate under the name designated for it upon incorporation. By that name, the village may sue and be sued, contract and be contracted with, acquire and hold real and personal property for the purposes for which it was incorporated, have a common seal, change the common seal at pleasure, and exercise all the powers under this act.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2695 ;-- CL 1915, 2566 ;-- CL 1929, 1476 ;-- CL 1948, 61.12 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

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### 61.14 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

**Compiler's Notes:** The repealed section pertained to the village board of registration.

### 61.15 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to registration of electors.

## Chapter II
## OFFICERS.

### 62.1 Village officers; council; ordinance providing for election and terms of office; adoption; filing petition to delay effect of ordinance; ballot question.

Sec. 1.

(1) Except as provided in subsections (2) and (3), in each village, the following officers shall be elected: a president, 6 trustees, 1 clerk, and 1 treasurer. The president and trustees constitute the council. In all votes for which not less than a majority vote of council is required, the calculation of the number of votes required shall be based on the maximum number that constitutes council.

(2) The council by a vote of 2/3 of the members of council may provide by ordinance for the reduction in the number of trustees to 4 or for the election of all trustees at the same election for 2-year terms at the first possible election after 2004 who with the president shall constitute the council, and may provide by ordinance for the method of changing from 2-year staggered terms to 4-year staggered terms. If village trustees are elected biennially for staggered 4-year terms, the ordinance shall as nearly as possible maintain staggered terms and

provide for an equal number of seats to be filled at each election. The ordinance may extend but shall not shorten the term of an incumbent trustee. The ordinance may extend a prospective term. The ordinance shall not shorten or eliminate a prospective term unless the nomination deadline for that term is not less than 30 days after the effective date of the ordinance. An ordinance adopted under this subsection shall satisfy both of the following conditions:

(a) The ordinance shall be voted on and adopted at a meeting that occurs not less than 10 days after the initial meeting or public hearing at which the ordinance was considered.

(b) Notice of each meeting at which the ordinance is considered indicating that an ordinance reducing the size of the council or to change the time of election of the trustees comprising the council will be 1 of the subjects of the meeting shall be published not less than 10 days before the meeting in a newspaper of general circulation in the village.

(3) The council by a vote of 2/3 of the members of council may provide by ordinance for the nomination by the president and the appointment by the council of the clerk or the treasurer or both for such a term as the ordinance may provide. The ordinance shall apply beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of the ordinance or shall apply when the office is vacated, whichever occurs first.

(4) The council shall provide that an ordinance adopted under subsection (2) or (3) takes effect 45 days after the date of adoption unless a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance takes effect upon approval at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the ordinance is published pursuant to section 4 of chapter VI. The village clerk shall verify the signatures on the petitions. If a petition bearing the required number of valid signatures of electors is filed, the question of adoption of the ordinance shall be submitted at the next general or special election. The ballot language for the question shall be prepared by the village clerk, unless the question concerns the appointment of the clerk under subsection (2), in which case the ballot language shall be prepared by the village council.

(5) A village that has adopted an ordinance reducing the number of trustees to 4 or providing for the appointment by the council of the clerk or treasurer may increase the number of trustees to 6 or provide for the election of the clerk or treasurer by the same process as provided in subsection (2) or (3), respectively, and in subsection (4).

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2699 ;-- CL 1915, 2569 ;-- CL 1929, 1479 ;-- CL 1948, 62.1 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 300, Imd. Eff. July 23, 2004

### 62.2 Additional officers; appointment.

Sec. 2.

(1) The president may nominate and the council appoint such officers as shall be provided for by resolution or ordinance of the council. The council may provide by ordinance or resolution for the appointment of other officers whose election or appointment is not specifically provided for in this act, as the council considers necessary for the execution of the powers granted by this act. The powers and duties of such officers shall be prescribed by the council. The council may require that the officers perform their duties faithfully and that proper measures be taken to punish neglect of duty by an officer.

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(2) This section is subject to an ordinance adopted under section 8 of chapter V.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2700 ;-- CL 1915, 2570 ;-- Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925 ;-- CL 1929, 1480 ;-- CL 1948, 62.2 ;-- Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 62.3 Appointments; time.

Sec. 3.

Except for an appointment to fill a vacancy or unless a different time is prescribed in the ordinance or resolution creating the office, an appointment to a village office shall be made at the first village council meeting after the qualification of a council member who is elected at the village's regular election. If, for any cause, an appointment is not made at that meeting or on the day prescribed in the ordinance or resolution creating the office, the appointment may be made at a subsequent regular or special meeting of the council.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2701 ;-- CL 1915, 2571 ;-- CL 1929, 1481 ;-- CL 1948, 62.3 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005

### 62.4 Term of office.

Sec. 4.

Unless otherwise provided by ordinance, the president, clerk, and treasurer hold their respective offices for the term of 2 years and until their successors are elected and qualified. The term of office for a president, clerk, or treasurer elected at the village's regular election begins on December 1 after the officer's election and qualification.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2702 ;-- CL 1915, 2572 ;-- Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925 ;-- CL 1929, 1482 ;-- CL 1948, 62.4 ;-- Am. 1971, Act 18, Imd. Eff. May 5, 1971 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005 ;-- Am. 2012, Act 551, Eff. Mar. 28, 2013 ;-- Am. 2026, Act 18, Imd. Eff. June 22, 2026

### 62.5 Village trustees; term of office; ordinance providing for election and terms of office.

Sec. 5.

Except as otherwise provided in this section, 3 village trustees must be elected at each biennial village election for the term of 4 years and until their successors are qualified. As an alternative, if provided by an ordinance adopted by the village, all 6 village trustees must be elected at the biennial village elections for the term of 2 years and until their successors are qualified. The term of office for a trustee elected at the village's regular election begins on December 1 after the officer's election and qualification.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2703 ;-- CL 1915, 2573 ;-- CL 1929, 1483 ;-- CL 1948, 62.5 ;-- Am. 1973, Act 148, Imd. Eff. Nov. 21, 1973 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 300, Imd. Eff. July 23, 2004 ;-- Am. 2012, Act 551, Eff. Mar. 28, 2013 ;-- Am. 2026, Act 18, Imd. Eff. June 22, 2026

***** 62.5a SUBSECTION (1) DOES NOT APPLY AFTER DECEMBER 31, 2006: See subsection (2) *****

**62.5a Staggered terms of office; resolution; length of initial terms; applicability of subsection (1).**

Sec. 5a.

(1) Notwithstanding any other provision of this act, the village may pass a resolution to provide for the terms of office of its elected officials and for the terms to be staggered.

(2) The initial terms established under subsection (1) may be longer than allowed under this act in order to facilitate the staggering of terms. This subsection does not apply after December 31, 2006.

(3) Notwithstanding any other provision of this act, the village may pass a resolution to provide for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 2005, Act 65, Imd. Eff. July 7, 2005

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**62.6 Appointive officers; term.**

Sec. 6.

Except for an officer appointed to fill a vacancy in an elective office, an appointive village officer holds the office for 2 years after the date of the appointment or until the village's next regular election, whichever is earlier, and until the officer's successor is appointed and qualified unless a different term of office is prescribed in this act, in an ordinance authorized by this act, or in the ordinance or resolution creating the office. An officer appointed to fill a vacancy in an elective office shall hold office until the next regular village election, and until his or her successor is elected and qualified. An officer appointed to fill a vacancy in an appointive office shall hold office until his or her successor is appointed and qualified.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2704 ;-- CL 1915, 2574 ;-- CL 1929, 1484 ;-- CL 1948, 62.6 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005

**62.7 Qualifications for office; void votes; “in default” defined; oath.**

Sec. 7.

(1) A person shall not be elected to an office unless he or she is an elector of the village.

(2) A person in default to the village is not eligible for any office in the village. All votes in an election for or any appointment of a person in default to the village are void. As used in this subsection, "in default" means delinquent in payment of property taxes or a debt owed to the village if 1 of the following applies:

(a) The taxes remain unpaid after the last day of February in the year following the year in which they are levied, unless the taxes are the subject of an appeal.

(b) Another debt owed to the village remains unpaid 90 days after the due date, unless the debt is the subject of an administrative appeal or a contested court case.

(3) Not more than 30 days after receiving notice of his or her election or appointment, an officer of the village shall take and subscribe the oath of office prescribed by the constitution of the state and file the oath with the clerk. An officer who fails to comply with the requirements of this subsection shall be considered to have declined the office.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2705 ;-- CL 1915, 2575 ;-- CL 1929, 1485 ;-- CL 1948, 62.7 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998
**Compiler's Notes:** In subsection (3), "the constitution of the state" evidently refers to the Constitution of 1908. See now Const. 1963, Art. XI, § 1.

### 62.8 Official bonds; deposit time.

Sec. 8.

Every officer elected or appointed in the village, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the village clerk such bond or security as may be required by law, or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the clerk shall be deposited with the treasurer.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2706 ;-- CL 1915, 2576 ;-- CL 1929, 1486 ;-- CL 1948, 62.8

### 62.9 Additional bonds; removal from office.

Sec. 9.

The council may, at any time, require any officer to execute and file with the clerk additional or new official bonds, with such new or further sureties as said council shall deem requisite for the interest of the corporation. Any failure to comply with such requirement within 15 days shall subject the officer to immediate removal from office by the council.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2707 ;-- CL 1915, 2577 ;-- CL 1929, 1487 ;-- CL 1948, 62.9

## VACANCIES IN OFFICE.

### 62.10 Resignations.

Sec. 10.

(1) Except as otherwise provided in subsection (2), the resignation of a village officer must be made to the village president, and the resignation is effective upon receipt by the village president.

(2) The resignation of the village president must be made to the village clerk, and the resignation is effective upon receipt by the village clerk.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2708 ;-- CL 1915, 2578 ;-- CL 1929, 1488 ;-- CL 1948, 62.10 ;-- Am. 2020, Act 81, Imd. Eff. Apr. 2, 2020

### 62.11 Office vacancies.

Sec. 11.

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If any elected officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated. If any officer is alleged to be in default as defined in section 7 of this chapter, the office shall be declared vacated.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2709 ;-- CL 1915, 2579 ;-- CL 1929, 1489 ;-- CL 1948, 62.11 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 62.12 Failure of officer to give or maintain bond.

Sec. 12.

If any person elected or appointed to office fails to give or maintain the bond or security required for the due performance of the duties of his or her office, within the time specified under section 8 or 9 of this chapter, the council shall declare the office vacant, unless the officer gives the requisite bond or security before the council makes its declaration.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2710 ;-- CL 1915, 2580 ;-- CL 1929, 1490 ;-- CL 1948, 62.12 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 62.13 Vacancies; filling; special elections; procedure; expenses.

Sec. 13.

(1) A vacancy occurring in the office of president, trustee, or any other elective office must be filled by appointment by the council, and the appointee shall hold office until the next regular village election. All vacancies in any other office must be filled by the president, by and with the consent of the council.

(2) If by reason of removal, death, resignation, or otherwise, the membership of the council is reduced to less than a quorum, the remaining council members shall call a special election for the purpose of filling all vacancies in the office of trustee, if a petition signed by not less than 10% of the qualified voters of the village is filed with the village clerk not later than 10 days after the vacancy or vacancies occur. If a petition is not filed within the time period required under this subsection, then the remaining council members may either call a special election, or may appoint a sufficient number of trustees to constitute with the members in office a quorum of the council, who shall then fill the remaining vacancies as provided in this section.

(3) If all the officers and trustees of a village die or move from the village, and no successors have been elected or appointed to fill the vacancies, the township clerk of the township within which the village is situated shall, on petition of 10% of the qualified voters residing in the village, call a special election for the election of the officers and trustees of the village to be held on a regular election date as established under section 641 of the Michigan election law, 1954 PA 116, MCL 168.641. The township shall perform all of the other duties with respect to the election as the village might have done had the vacancies not existed, including the preparation of ballots, the appointment of election inspectors, the counting and canvassing of the ballots, and the certification of the persons elected to the offices for which the election was held. The expenses of the election must be paid by the village as provided in section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

(4) Notwithstanding any ordinance to the contrary, an individual elected to fill a vacancy shall not take the oath of office until the results have been certified by the appropriate board of canvassers.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2711 ;-- CL 1915, 2581 ;-- Am. 1921, Act 10, Eff. Aug. 18, 1921 ;-- CL 1929, 1491 ;-- CL 1948, 62.13 ;-- Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005 ;-- Am. 2026, Act 18, Imd. Eff. June 22, 2026

### 62.14 Surety not exonerated.

Sec. 14.

The resignation or removal of an officer or the appointment or election of a successor to the officer does not exonerate the officer or the officer's sureties from any liability incurred by the officer or the officer's sureties.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2712 ;-- CL 1915, 2582 ;-- CL 1929, 1492 ;-- CL 1948, 62.14 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 62.15 Property delivered to successor.

Sec. 15.

When an officer resigns or is removed from office, or when the elected term of office expires, he or she shall deliver over to his or her successor in office books, papers, money, evidence of debt, and other property as required by section 480 of the Michigan penal code, 1931 PA 328, MCL 750.480.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2713 ;-- CL 1915, 2583 ;-- CL 1929, 1493 ;-- CL 1948, 62.15 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

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## Chapter III
## ELECTIONS.

### 63.1 Election; exception; place.

Sec. 1.

(1) An election under this act shall be held at a place in the village as the council designates.

(2) Notwithstanding a charter provision or ordinance providing otherwise, the day on which a village holds its regular or a special election is governed by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, or by a resolution adopted in compliance with section 642 or 642a of the Michigan election law, 1954 PA 116, MCL 168.642 and 168.642a.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2714 ;-- CL 1915, 2584 ;-- CL 1929, 1494 ;-- CL 1948, 63.1 ;-- Am. 1973, Act 148, Imd. Eff. Nov. 21, 1973 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005 ;-- Am. 2004, Act 300, Imd. Eff. July 23, 2004

### 63.2 Special election; resolution.

Sec. 2.

Special elections may be called by resolution of the council. The resolution shall state the purpose and object of and, subject to section 1 of this chapter, the date of the election.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2715 ;-- CL 1915, 2585 ;-- CL 1929, 1495 ;-- CL 1948, 63.2 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005

### 63.3 Village elections as nonpartisan.

Sec. 3.

Notwithstanding a charter provision or ordinance to the contrary, village elections shall be nonpartisan.

**History:** Add. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005
**Compiler's Notes:** Former MCL 63.3, which pertained to election inspectors, was repealed by Act 4 of 1974, Imd. Eff. Jan. 4, 1974.

### 63.4 Voting requirements.

Sec. 4.

An individual who is a registered elector of the township in which the village is located and who is a resident of the village may vote at any election in the village.

**History:** Add. 1998, Act 255, Imd. Eff. July 13, 1998
**Compiler's Notes:** Former MCL 63.4, which pertained to election notices, was repealed by Act 4 of 1974, Imd. Eff. Jan. 4, 1974.

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### 63.5, 63.6 Repealed. 1974, Act 4, Imd. Eff. Jan. 4, 1974.

**Compiler's Notes:** The repealed sections pertained to board of elections commissioners, and opening and closing of polls.

### 63.7 Conduct of election; designation of term on ballot.

Sec. 7.

(1) All elections in the village shall be conducted as nearly as may be in the manner provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, for holding general elections in the state, except as provided in this act.

(2) If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2720 ;-- CL 1915, 2590 ;-- CL 1929, 1500 ;-- CL 1948, 63.7 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005

### 63.8-63.12 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

**Compiler's Notes:** The repealed sections pertained to canvass of votes, determination of election results and ties, notice to elected persons, and failure to file oath or bond.

### 63.13 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to division of villages into precincts.

### 63.14 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 14.

A petition under section 13 of chapter II, section 8 of chapter V, or section 18a of chapter XIV, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 145, Eff. Mar. 23, 1999

## Chapter IV
## DUTIES OF OFFICERS.

## PRESIDENT.

### 64.1 President as chief executive officer; duties generally.

Sec. 1.

The president is the chief executive officer of the village. He or she shall preside at the meetings of the council. The president is a voting member of the council. The president shall give the council information concerning the affairs of the village, and recommend measures which he or she considers expedient. Unless otherwise provided in an ordinance adopted under section 8 of chapter V, the president shall exercise supervision over the affairs of the village and over the public property belonging to the village. The president shall see that the laws relating to the village and the ordinances and regulations of the council are enforced.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2727 ;-- CL 1915, 2597 ;-- CL 1929, 1507 ;-- CL 1948, 64.1 ;-- Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983 ;-- Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.2 Village president; duties as conservator of peace.

Sec. 2.

The president is a conservator of the peace and may exercise within the village the power to suppress disorder. The president may command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council in cases of emergency or disaster, subject to the applicable limitations of state law.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2728 ;-- CL 1915, 2598 ;-- CL 1929, 1508 ;-- CL 1948, 64.2 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.3 Suspension or removal of officer; examination and inspection of books, records, and papers; additional duties of president; section subject to ordinance.

Sec. 3.

The president may suspend any officer authorized by this act or appointed pursuant to this act for neglect of duty, and with the approval of the council remove any officer appointed by

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the council when the president considers it in the public interest. The president may at any time examine and inspect the books, records, and papers of any agent, employee, or officer of the village, and shall perform generally all duties prescribed by the ordinances of the village. This section is subject to an ordinance adopted under section 8 of chapter V.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2729 ;-- CL 1915, 2599 ;-- CL 1929, 1509 ;-- CL 1948, 64.3 ;-- Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.4 Acting president.

Sec. 4.

In the absence or disability of the president, the president pro tempore of the council shall perform the duties of the president.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2730 ;-- CL 1915, 2600 ;-- CL 1929, 1510 ;-- CL 1948, 64.4

## CLERK.

### 64.5 Clerk; duties.

Sec. 5.

(1) The clerk shall keep the corporate seal and all the documents, official bonds, papers, files, and records of the village, not by this act or the ordinances of the village entrusted to some other officer. The clerk is the clerk of the council and shall attend its meetings.

(2) In case of the absence of the clerk, or if from any cause the clerk is unable to discharge, or is disqualified from performing, his or her duties, the council may appoint a council member, or some other person, to perform the duties of the clerk for the time being.

(3) The clerk shall record all the proceedings and resolutions of the council, and shall record, or cause to be recorded, all the ordinances of the village.

(4) The clerk shall countersign and register all licenses granted.

(5) When required, the clerk shall make reproductions pursuant to the records media act, 1992 PA 116, MCL 24.401 to 24.403, of the papers and records filed and kept in his or her office and shall certify the reproductions under the seal of the village. The admissibility in evidence of such reproductions is governed by section 3 of 1964 PA 105, MCL 691.1103.

(6) The clerk may administer oaths and affirmations.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2731 ;-- CL 1915, 2601 ;-- CL 1929, 1511 ;-- CL 1948, 64.5 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.6 Clerk as general accountant; duties; check disbursement.

Sec. 6.

(1) The clerk shall be the general accountant of the village.

(2) Claims against the village shall be filed with the clerk for adjustment. After examination, the clerk shall report the claims, with the accompanying vouchers and counterclaims of the village, and the true balance, to the council for allowance. After the claims are allowed by the council, the clerk shall present check disbursement authorizations to the treasurer for payment

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of the claims, designating the fund from which payment is to be made, and take proper receipts.

(3) The clerk shall not present check disbursement authorizations upon a fund after the fund is exhausted. When a tax or money is levied, raised, or appropriated, the clerk shall report the amount to the village treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts to be credited to each fund.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2732 ;-- CL 1915, 2602 ;-- CL 1929, 1512 ;-- CL 1948, 64.6 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.7 Clerk; duties.

Sec. 7.

Unless otherwise provided by ordinance, the clerk shall do all of the following:

(a) Have charge of all the books, vouchers, and documents relating to the accounts, contracts, debts, and revenues of the corporation.

(b) Countersign and register all bonds issued, and keep a list of all property belonging to the village, and of all its debts and liabilities.

(c) Keep a complete set of books, exhibiting the financial condition of the village in all its departments, funds, resources, and liabilities, with a proper classification, and showing the purpose for which each fund was raised.

(d) Keep an account of all the money received for each of the several funds of the village, and credit all check disbursements drawn, keeping an account with each fund.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2733 ;-- CL 1915, 2603 ;-- CL 1929, 1513 ;-- CL 1948, 64.7 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

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### 64.8 Duties; financial report to council; contents.

Sec. 8.

The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the village, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2734 ;-- CL 1915, 2604 ;-- CL 1929, 1514 ;-- CL 1948, 64.8

### 64.8a Functions subject to ordinance.

Sec. 8a.

The functions of the village clerk are subject to an ordinance adopted under section 8 of chapter V.

**History:** Add. 1985, Act 173, Imd. Eff. Dec. 2, 1985

## TREASURER.

### 64.9 Village treasurer; duties.

Sec. 9.

The treasurer shall do all of the following:

(a) Have the custody of all money, bonds other than official bonds filed with the clerk under chapter II, mortgages, notes, leases, and evidences of value belonging to the village.

(b) Receive all money belonging to, and receivable by the corporation.

(c) Keep an account of all receipts and expenditures.

(d) Collect and keep an account of all taxes and money appropriated, raised, or received for each fund of the village, and keep a separate account of each fund.

(e) Pay check disbursement authorizations out of the particular fund raised for the purpose for which the disbursement was authorized.

(f) Perform duties prescribed by this act relating to assessing property and levying taxes.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2735 ;-- CL 1915, 2605 ;-- CL 1929, 1515 ;-- Am. 1935, Act 199, Eff. Sept. 21, 1935 ;-- CL 1948, 64.9 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

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### 64.10 Treasurer; reports; contents.

Sec. 10.

The treasurer shall report to the clerk on the first Monday of every month, if required, the amounts received and credited to each fund, on what account received, the amounts paid out from each fund during the preceding month, and the amount of money remaining in each fund on the day of the report. The treasurer shall also exhibit to the council annually within 45 days after the end of the fiscal year, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of the treasurer's last annual report, classifying them by the funds to which the receipts are credited and out of which the disbursements are made, and the balance remaining in each fund.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2736 ;-- CL 1915, 2606 ;-- CL 1929, 1516 ;-- CL 1948, 64.10 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.11 Treasurer; vouchers.

Sec. 11.

The treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made. Upon settlement of the vouchers with the proper officers of the village, the treasurer shall file the vouchers with the clerk.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2737 ;-- CL 1915, 2607 ;-- CL 1929, 1517 ;-- CL 1948, 64.11 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.12 Treasurer; disposition of money; private use prohibited.

Sec. 12.

The treasurer shall keep all village money in depository accounts authorized by law. The treasurer shall not use, either directly or indirectly, the village money, warrants, or evidences of debt for his or her own use or benefit, or that of any other person. On proof of the violation, the village council shall declare the office vacant and appoint a successor for the remainder of the term.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2738 ;-- CL 1915, 2608 ;-- CL 1929, 1518 ;-- CL 1948, 64.12 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 64.12a Functions subject to ordinance.

Sec. 12a.

The functions of the village treasurer are subject to an ordinance adopted under section 8 of chapter V.

**History:** Add. 1985, Act 173, Imd. Eff. Dec. 2, 1985

## MARSHAL.

### 64.13-64.16 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed sections pertained to powers and duties of marshal.

## SURVEYOR.

### 64.17 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to power and duties of surveyor.

## STREET COMMISSIONER.

### 64.18, 64.19 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed sections pertained to powers and duties of street commissioner.

## ASSESSOR.

### 64.20 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to powers and duties of assessor.

## COMPENSATION.

### 64.21 Village officers; compensation.

Sec. 21.

The president and each trustee shall receive compensation for the performance of the duties of the office of president or trustee only as provided by ordinance. The ordinance shall specify how the compensation is determined due and paid. Except as otherwise provided by law, these officers shall receive no other compensation for services performed for and on behalf of the village during their term of office. Except as otherwise provided in this act or by other law regulating fees for services, other officers shall receive such compensation as may be prescribed by the council.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2747 ;-- CL 1915, 2618 ;-- Am. 1917, Act 51, Eff. Aug. 10, 1917 ;-- CL 1929, 1527 ;-- CL 1948, 64.21 ;-- Am. 1954, Act 160, Eff. Aug. 13, 1954 ;-- Am. 1992, Act 42, Imd. Eff. May 12, 1992 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

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# Chapter V
# VILLAGE COUNCIL.

## 65.1 Legislative authority vested in village council.

Sec. 1.

The legislative authority of villages shall be vested in the council.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2748 ;-- CL 1915, 2619 ;-- CL 1929, 1528 ;-- CL 1948, 65.1 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

## 65.2 Village council; president.

Sec. 2.

The president shall be president of the council, and preside at the meetings of the council.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2749 ;-- CL 1915, 2620 ;-- CL 1929, 1529 ;-- CL 1948, 65.2 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

## 65.3 Village council; president pro tempore.

Sec. 3.

(1) On December 1 of each year, or as soon after that date as possible, the council shall appoint 1 of their number president pro tempore of the council.

(2) In the absence of the president, the president pro tempore presides at the council meetings, and exercises the powers and duties of president. In the absence of the president and president pro tempore, the member with the longest current period of continuous service on the council presides unless otherwise provided by council rules.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2750 ;-- CL 1915, 2621 ;-- CL 1929, 1530 ;-- CL 1948, 65.3 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005 ;-- Am. 2012, Act 551, Eff. Mar. 28, 2013 ;-- Am. 2026, Act 18, Imd. Eff. June 22, 2026

## 65.4 Village council; regular meetings; conducting business at public meeting; notice of meeting; special meetings.

Sec. 4.

The council shall hold regular meetings for the transaction of business, at times as it shall prescribe, at least 1 shall be held in each month. The business which the village council may perform shall be conducted at a public meeting held in compliance with Act. No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act. No. 267 of the Public Acts of 1976. The president or 3 members of the council may appoint special meetings.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2751 ;-- CL 1915, 2622 ;-- CL 1929, 1531 ;-- CL 1948, 65.4 ;-- Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977

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**65.5 Village council; rules and record of proceedings; quorum; adjournment; compelling attendance; vote; ordinance or resolution appropriating money; publication of proceedings and vote; availability of certain writings to public.**

Sec. 5.

(1) The council shall prescribe the rules of its own proceedings, and shall keep a record of those proceedings. Except as otherwise provided in this section, a majority of the members of council are a quorum for the transaction of business. A majority of the members of council serving, if meeting to fill a vacancy in the office of village president or village trustee, are a quorum for the transaction of business. A lesser number may adjourn and compel the attendance of absent members in a manner as prescribed by ordinance. In the absence of an ordinance, if the village council lacks a quorum for more than 60 consecutive calendar days, then the presiding officer of the village council may compel the attendance of board members and other officers of the village at a regular or special meeting and enforce the orderly conduct in the meeting. A member of the council or any other officer of the village who refuses to attend a meeting for a reason other than a confining illness or extenuating circumstances is guilty of gross neglect of duty. Any police officer designated by the presiding officer of the meeting shall serve as the sergeant-at-arms of the village council in the enforcement of this subsection.

(2) An office must not be created or abolished; a street, alley, or public ground vacated; real estate or an interest in real estate purchased, leased, sold, or disposed of; or a public improvement ordered, except by a majority vote of the members of council. The vote must be taken by yeas and nays, and entered in the journal. However, a tax must not be increased or a special assessment imposed except by an affirmative vote of 2/3 of the members of council.

(3) Money must not be appropriated except by ordinance or resolution of the council. An ordinance appropriating money must not be passed, or a resolution appropriating money must not be adopted, except by a majority vote of the members of council. The vote must be taken by yeas and nays, and entered in the journal. Within 15 days after a meeting of the council, a synopsis or the entirety of the proceedings, including the vote of the members, prepared by the clerk and approved by the president showing the substance of each separate decision of the council must be published in a newspaper of general circulation in the village or posted in 3 public places in the village.

(4) A writing prepared, owned, used, in the possession of, or retained by the council or by the clerk, treasurer, or other officer of the village in the performance of an official function must be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2752 ;-- CL 1915, 2623 ;-- Am. 1925, Act 43, Eff. Aug. 27, 1925 ;-- CL 1929, 1532 ;-- CL 1948, 65.5 ;-- 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 ;-- Am. 2020, Act 81, Imd. Eff. Apr. 2, 2020

**65.6 Repealed. 1968, Act 317, Eff. Sept. 1, 1968.**

**Compiler's Notes:** The repealed section pertained to village council members' conflict of interest and forfeiture of office.

**65.7 Village council; audit of accounts; procedure; defenses to action or proceeding.**

Sec. 7.

(1) The council shall audit and allow all accounts chargeable against the village. An account or claim or contract shall not be received for audit or allowance unless it is accompanied with a certificate of an officer of the village, or an affidavit of the person rendering it, that the services therein charged have been actually performed or the property delivered for the village, that the sums charged therefor are reasonable and just, and that to the best of his or her knowledge and belief, no set-off exists, and no payment has been made on account thereof, except such set-offs or payments as are endorsed or referred to in the account or claim. Each account shall exhibit in detail all the items making up the amount claimed, and the date of each. The council may adopt a different procedure for the audit and allowance of accounts, claims, and contracts than that provided by this subsection.

(2) It shall be a sufficient defense in any court, to an action or proceeding for the collection of any claim against the village for personal injuries or otherwise that it has never been presented, certified to, or verified to the council for allowance as provided in this section or as may be required under different procedures adopted by the council; or, if the claim is founded on contract, that the claim was presented without the certificate or affidavit required by this section and was rejected for that reason; or, that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2754 ;-- CL 1915, 2625 ;-- CL 1929, 1534 ;-- CL 1948, 65.7 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

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**65.8 Village manager; term; employment contract; powers and duties; ordinance assigning responsibilities to manager.**

Sec. 8.

(1) The council may employ a village manager.

(2) The manager shall serve at the pleasure of the council.

(3) The council may enter into an employment contract with a village manager for a period extending beyond the terms of the members of council but not exceeding 6 years. An employment contract with a manager shall be in writing and shall specify the compensation to be paid to the manager, any procedure for changing compensation, any fringe benefits, and any other conditions of employment. The contract shall state that the manager serves at the pleasure of the council. The contract may provide for severance pay or other benefits in the event the employment of the manager is terminated at the pleasure of the council. Unless otherwise provided by ordinance adopted under subsection (4), the council may assign to the manager only those powers and duties not required by law to be assigned to or performed by another official of the village.

(4) The council may adopt an ordinance assigning to the manager an administrative duty imposed by this act on the council; an administrative duty imposed by this act on the village president; the authority to appoint, remove, direct, or supervise any employee or appointed official of the village; or supervisory responsibility over the accounting, budgeting, personnel, purchasing, and related management functions imposed by this act on the village clerk and the village treasurer. The council shall provide in the ordinance that the assignment becomes effective 45 days after the date of adoption and that if a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, the ordinance shall not become effective until after the ordinance is approved at an election held

on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the ordinance is published pursuant to section 4 of chapter VI. The village clerk shall compare the signatures on the petitions to the signatures of those electors as they appear on the appropriate registration cards. If a petition bearing the required number of valid signatures of electors is filed, the clerk shall perform the acts required for the submission of the question of adoption of the ordinance at the next general or special election. An ordinance adopted before December 2, 1985 that conforms substantially with the requirements of this subsection is valid to the same extent as if the ordinance had been adopted on or after December 2, 1985.

**History:** Add. 1974, Act 201, Imd. Eff. July 9, 1974 ;-- Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

## Chapter VI
## ORDINANCES.

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### 66.1 Ordinance; style; passage; days required to be effective.

Sec. 1.

The style of an ordinance shall be: "The village of ..... ordains." An ordinance, except as otherwise provided in this act, requires for its passage the concurrence of a majority vote of the members of council. An ordinance shall state its effective date, which may be upon publication, except that an ordinance imposing a sanction shall not take effect before the twentieth day after its passage or before the date of its publication, whichever occurs first.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2755 ;-- CL 1915, 2626 ;-- CL 1929, 1535 ;-- CL 1948, 66.1 ;-- Am. 1994, Act 16, Eff. May 1, 1994 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 66.2 Violation of ordinance; sanction; designation as civil infraction; civil fine; act or omission constituting crime; penalty.

Sec. 2.

(1) Except as otherwise provided in this act, the council of a village authorized to pass an ordinance may prescribe a sanction for a violation of the ordinance. If a sanction is prescribed, it shall be prescribed in the ordinance.

(2) Consistent with any of the following statutes, the village council may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation:

(a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(b) 1969 PA 235, MCL 257.941 to 257.943.

(c) 1956 PA 62, MCL 257.951 to 257.955.

(3) The village council may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation. An ordinance shall not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (2). A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction.

(4) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following:

(a) Article 7 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.
(b) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.
(c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
(d) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.
(e) Part 801 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80101 to 324.80199.
(f) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208.
(g) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160.
(h) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150.
(i) Sections 351 to 365 of the railroad code of 1993, 1993 PA 354, MCL 462.351 to 462.365.
(j) Any law of this state under which the act or omission is punishable by imprisonment for more than 93 days.
(5) An ordinance not described in subsection (2) or (3) may provide that a violation of the ordinance is punishable by imprisonment for not more than 90 days or by a fine of not more than $500.00, or both. However, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than $500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. In addition, a village may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:
(a) Community service for not more than 360 hours.
(b) Imprisonment for not more than 180 days.
(c) A fine of not less than $200.00 or more than $700.00.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2756 ;-- CL 1915, 2627 ;-- CL 1929, 1536 ;-- CL 1948, 66.2 ;-- Am. 1979, Act 36, Imd. Eff. June 20, 1979 ;-- Am. 1994, Act 16, Eff. May 1, 1994 ;-- Am. 1996, Act 41, Imd. Eff. Feb. 26, 1996 ;-- Am. 1999, Act 57, Eff. Oct. 1, 1999 ;-- Am. 2012, Act 10, Imd. Eff. Feb. 15, 2012

### 66.2a Recreational trailway; posting ordinance; prohibited operation of vehicle as municipal civil infraction; penalty.

Sec. 2a.

(1) An ordinance regulating a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.
(2) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by an ordinance is a municipal civil infraction, whether or not so designated by the ordinance. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the ordinance or $500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that section 2 of chapter VI prohibits an ordinance from designating as a municipal civil infraction.

**History:** Add. 1994, Act 87, Eff. Oct. 1, 1994

## 66.3 Record of ordinances; authentication.

Sec. 3.

Upon enactment, each ordinance shall be recorded by the clerk of the council in a book to be called "the record of ordinances," and the president and clerk shall authenticate each ordinance by placing his or her official signature upon the ordinance.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2757 ;-- CL 1915, 2628 ;-- CL 1929, 1537 ;-- CL 1948, 66.3 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

## 66.3a Codification of ordinances.

Sec. 3a.

A village may codify, recodify, and continue in code the village's ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code and ordinances repealing, amending, continuing, or adding to the code shall be published as required by section 4 of this chapter. The publication shall state where a copy of the entire code can be reviewed and obtained. The ordinance adopting the code may amend, repeal, revise, or rearrange ordinances or parts of ordinances by references to the title only.

**History:** Add. 1979, Act 18, Imd. Eff. May 24, 1979 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

## 66.4 Publication of ordinance or synopsis; certification; adoption of state statute by reference; penalty.

Sec. 4.

(1) Within 15 days after an ordinance is passed, the clerk shall publish the ordinance or a synopsis of the ordinance in a newspaper circulated in the village. Immediately after the ordinance or synopsis of the ordinance is published, the clerk shall enter in the record of ordinances, in a blank space to be left for that purpose under the record of the ordinance, a signed certificate, stating the date on which and the name of the newspaper in which the ordinance was published. The certificate is prima facie evidence of the publication of the ordinance or the synopsis.

(2) A village may adopt a provision of any state statute for which the maximum period of imprisonment is 93 days, the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a plumbing code, electrical code, mechanical code, fire protection code, building code, or other code promulgated by this state, by a department, board, or other agency of this state, or by an organization or association that is organized or conducted for the purpose of developing a code, by reference to the law or code in an adopting ordinance and without publishing the law or code in full. The law or code shall be clearly identified in the ordinance and a statement of the purpose of the law or code shall be published with the adopting ordinance. Printed copies of the law or code shall be kept in the office of the village clerk available for inspection by or distribution to the public during normal business hours. The village may charge a fee that does not exceed the actual cost for copies of the law or code distributed to the public. The publication in the newspaper shall contain a notice to the effect that a complete copy of the law or code is available for public use and inspection at the office of the village clerk. Except as otherwise provided in this subsection, a village shall not enforce any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days. A village may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by

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reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:

(a) Community service for not more than 360 hours.

(b) Imprisonment for not more than 180 days.

(c) A fine of not less than $200.00 or more than $700.00.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2758 ;-- CL 1915, 2629 ;-- CL 1929, 1538 ;-- CL 1948, 66.4 ;-- Am. 1951, Act 240, Eff. Sept. 28, 1951 ;-- Am. 1976, Act 82, Imd. Eff. Apr. 17, 1976 ;-- Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977 ;-- Am. 1982, Act 346, Eff. Mar. 30, 1983 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998 ;-- Am. 1999, Act 255, Imd. Eff. Dec. 28, 1999 ;-- Am. 1999, Act 259, Eff. Dec. 29, 1999 ;-- Am. 2012, Act 10, Imd. Eff. Feb. 15, 2012

### 66.5 Repealed. 1998, Act 255, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to laws, regulations, or ordinances as proof in court.

### 66.6 Violation of ordinance; commencement of prosecution; judicial district; powers of court.

Sec. 6.

(1) an action for violation of an ordinance shall be commenced not more than 2 years after the violation occurs.

(2) An action for the violation of an ordinance shall be brought in the district court or municipal court in the judicial district in which the village is located unless the person alleged to have violated the ordinance admits responsibility at a parking violations bureau or a municipal ordinance violations bureau as permitted by law. That court may hear, try, and determine causes and actions arising under an ordinance of the village, and impose sanctions for a violation of an ordinance as provided in the ordinance.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2760 ;-- CL 1915, 2631 ;-- CL 1929, 1540 ;-- CL 1948, 66.6 ;-- Am. 1978, Act 189, Imd. Eff. June 4, 1978 ;-- Am. 1994, Act 16, Eff. May 1, 1994

### 66.7 Violation of ordinance; civil action to recover penalty; warrant; law governing proceedings.

Sec. 7.

If a penalty is incurred for the violation of an ordinance, and a provision is not made for the imprisonment of the offender upon conviction of the violation, the penalty may be recovered in a civil action. If a corporation incurs a penalty for the violation of an ordinance, the corporation shall be sued in a civil action. Except in the case of a civil infraction action or an action against a corporation, an action for a violation of an ordinance of the village may be commenced by warrant for the arrest of the offender. The warrant shall be in the name of the people of this state, shall set forth the substance of the offense complained of, and shall be substantially in the form, and be issued upon complaint made, as provided by law in misdemeanor cases. The proceedings relating to the arrest and custody of the accused during the pendency of the action, the pleadings, and the proceedings upon the trial of the cause, in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution of judgments, except as otherwise provided by this act, are governed by and shall

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conform as nearly as may be to the provisions of law regulating proceedings in misdemeanor cases.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2761 ;-- CL 1915, 2632 ;-- CL 1929, 1541 ;-- CL 1948, 66.7 ;-- Am. 1978, Act 189, Imd. Eff. June 4, 1978 ;-- Am. 1994, Act 16, Eff. May 1, 1994

### 66.8 Use of county jail; expenses.

Sec. 8.

Every village shall be allowed the use of the jail of the county in which it is located, for the confinement of all persons sentenced to imprisonment under the ordinances of the village, or under any of the provisions of this act; and the sheriff, or other keeper of the jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed until lawfully discharged. The expense of receiving and keeping a prisoner shall be borne by the county if the imprisonment is for a violation of a penal law of this state and by the village if the imprisonment is for a violation of a village ordinance.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2762 ;-- CL 1915, 2633 ;-- CL 1929, 1542 ;-- CL 1948, 66.8 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

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### 66.9 Sufficient statement of cause; right to trial by jury; selecting and summoning jurors; inhabitant of village as juror; applicability of section to civil infraction.

Sec. 9.

(1) An action for the violation of an ordinance need not state or set forth the ordinance, or the provisions of the ordinance in a complaint, warrant, process, or pleading, but shall recite the ordinance's title or subject and the ordinance's section number.

(2) It is a sufficient statement of the cause of action in a complaint or warrant to set forth substantially, and with reasonable certainty, as to time and place, the act complained of, and to allege the act to be in violation of an ordinance of the village, referring to the ordinance by its title and the section number and effective date. Either party may require a trial by jury in an action for violation of the ordinance.

(3) The jury, except when other provision is made, shall consist of 6 persons. In actions commenced by warrant, the jury shall be selected and summoned as in misdemeanor cases before the court in which the prosecution for the village ordinance violation is brought. In a civil action to recover penalties for a village ordinance violation, the jury shall be selected and summoned as in any other civil action before the court in which the action is brought. An inhabitant of the village is not incompetent to serve as a juror in a cause in which the village is a party or interested, on account merely of the interest that the inhabitant may have, in common with the inhabitants of the village, in the results of the action.

(4) This section does not apply to an ordinance violation that constitutes a civil infraction.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2763 ;-- CL 1915, 2634 ;-- CL 1929, 1543 ;-- CL 1948, 66.9 ;-- Am. 1978, Act 189, Imd. Eff. June 4, 1978 ;-- Am. 1994, Act 16, Eff. May 1, 1994 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 66.10 Appeals to circuit court; proceedings.

Sec. 10.

A person convicted of a violation of an ordinance of the village in an action commenced by warrant as set forth in section 7 may appeal the judgment to the circuit court for the county in which the village is located, by appeal, and the time for the appeal, the proceedings for the appeal, the bond or security to be given on the appeal, and the proceedings and disposition of the cause in the circuit court shall be the same as in misdemeanor cases on appeal from the court that tried the village ordinance violation. In actions to which the village is a party, brought to recover a fine for a violation of a village ordinance, either party may appeal from the judgment to the circuit court, and similar proceedings shall be had on that appeal and similar bond or security shall be given as in cases of appeal in civil actions before the court that tried the village ordinance violation, except that the village shall not be required to give a bond or security on that appeal.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2764 ;-- CL 1915, 2635 ;-- CL 1929, 1544 ;-- CL 1948, 66.10 ;-- Am. 1978, Act 189, Imd. Eff. June 4, 1978 ;-- Am. 1994, Act 16, Eff. May 1, 1994

### 66.11 Village lockup or holding facility.

Sec. 11.

The council shall have power to provide and maintain a village lockup or holding facility, and may provide for the confinement of persons sentenced to imprisonment or detention under the ordinances of the village. All persons sentenced to confinement and all persons imprisoned on execution for nonpayment of fines for violation of the ordinances of the village in the lockup or holding facility may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2765 ;-- CL 1915, 2636 ;-- CL 1929, 1545 ;-- CL 1948, 66.11 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 66.12 Security for costs; filing by complaining witness; liability.

Sec. 12.

In prosecutions for violations of the ordinances of the village, commenced by a person other than an officer of the village, the court may require the complaining witness to file security for the payment of the costs of the proceedings, in case the defendant is determined not to be responsible. But the judge or magistrate before whom the complaint is made or trial is had shall order that the complaining witness is not liable for the payment of costs if the magistrate or judge determines that there was probable cause for the making of the complaint.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2766 ;-- CL 1915, 2637 ;-- CL 1929, 1546 ;-- CL 1948, 66.12 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

### 66.13 Fines; payment.

Sec. 13.

Except in cases in which a fine is paid to a parking violations bureau or a municipal ordinance violations bureau pursuant to section 8395 or 8396 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.8395 and 600.8396 of the Michigan Compiled Laws, a fine imposed for a violation of an ordinance of the village shall be received by the clerk of the court in which judgment or conviction was had. If the fine is collected upon execution, the person receiving the fine shall immediately pay the money

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collected to that clerk. If the defendant is committed, the fine and costs imposed shall be paid to the sheriff or other keeper of the jail or prison, who shall, within 30 days after receiving payment, pay the money to that clerk for distribution pursuant to law.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2767 ;-- CL 1915, 2638 ;-- CL 1929, 1547 ;-- CL 1948, 66.13 ;-- Am. 1994, Act 16, Eff. May 1, 1994

### 66.14 Suit against collector; failure to pay over fines; larceny.

Sec. 14.

If a person who collects a fine or part of a fine fails to pay over the amount collected pursuant to section 13, the village attorney may sue the person in the name of the village to recover the fine. If the failure to pay over the fine is willful, the person is guilty of larceny and shall be punished accordingly.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2768 ;-- CL 1915, 2639 ;-- CL 1929, 1548 ;-- CL 1948, 66.14 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

## 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.

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(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.

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(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

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### 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 Notes:** 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 Notes:** Enacting section 1 of Act 501 of 2018 provides:"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

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## 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.

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**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

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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

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### 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

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### 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 Notes:** For provisions of chapter 13, referred to in this section, see MCL 73.1 et seq.

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## 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

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### 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

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## 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

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

**Compiler's Notes:** 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 Notes:** 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 Notes:** 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.

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**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

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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

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## 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 Notes:** 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.

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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

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### 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

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## 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

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### 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

# Chapter VIII
# IMPROVEMENTS AND ASSESSMENTS.

**68.1-68.22 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.**

**68.31 Expense of local public improvement or repair; special assessments.**

Sec. 31.

The council of the village by adopting a resolution pursuant to section 5 of chapter V may determine that the whole or a part of the expense of a local public improvement or repair shall be defrayed by special assessments upon the property specially benefited.

**History:** Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

**68.32 Ordinance providing special assessment procedure; contents; additional assessments; disposition of excess assessments; payment of future due installments.**

Sec. 32.

The complete special assessment procedure to be used, including the time when special assessments may be levied; the kinds of local public improvements for which a hearing is required on the resolution levying the special assessments; the preparing of plans and specifications; estimated costs; the preparation, hearing, and correction of the special assessment roll; the collection of special assessments; the assessment of single lots or parcels; and any other matters concerning the making of improvements by the special assessment method, shall be provided by ordinance. The ordinance shall authorize additional assessments, if the prior assessment proves insufficient to pay for the improvement or is determined to be invalid, in whole or in part, and shall provide for the refund of excess assessments; however, if the excess is less than 5% of total cost as defined by ordinance, it may be placed in the general fund of the village. The payment of future due installments of a special assessment against a parcel of land may be made at any time in full, with interest accrued to the due date of the next installment.

**History:** Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1978, Act 29, Imd. Eff. Feb. 24, 1978

**68.33 Special assessment as lien and debt; collection.**

Sec. 33.

From the date of confirmation of a roll levying a special assessment, the full amount of the assessment and the interest thereon shall constitute a lien on the premises subject thereto and that amount shall be a debt of the person to whom assessed until paid and, in case of delinquency, may be collected as delinquent village property taxes or by a suit against the person.

**History:** Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974

**68.34 Action to contest collection of special assessment; illegal assessment roll.**

Sec. 34.

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An action to contest the collection of a special assessment shall be instituted under the tax tribunal act, 1973 PA 186, MCL 205.701 to 205.779.

**History:** Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

**68.35 Bonds.**

Sec. 35.

The village council may borrow money and issue bonds of the village therefor in anticipation of the payment of special assessments in 1 or more special assessment districts, which bonds may be an obligation of the special assessment district or may be both an obligation of the special assessment district and a general obligation of the village. The village council may issue general obligation bonds to defray that portion of the cost and expense of a local public improvement chargeable to the village at large.

**History:** Add. 1974, Act 4, Imd. Eff. Jan. 30, 1974

**68.36 Energy conservation improvements; acquisition or financing; resolution; payment; scope of improvements; acquisition of improvements by contract, lease-purchase agreement, or notes; reports; forms; terms of lease-purchase agreement.**

Sec. 36.

(1) The council of a village may provide by resolution for the acquisition or financing of energy conservation improvements to be made to village facilities or infrastructure and may pay for the improvements or the financing or refunding of the improvements from operating funds of the village or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating, ventilating, or air-conditioning system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating, ventilating, or air-conditioning controls, entrance or exit way closures, information technology improvements associated with an energy conservation improvement, and municipal utility improvements associated with an energy conservation improvement.

(2) The council of a village may acquire, finance, or refund 1 or more of the energy conservation improvements described in subsection (1) by installment contract, which may include a lease-purchase agreement described in subsection (5), or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract, a lease-purchase agreement described in subsection (5), or notes issued pursuant to this subsection shall extend for a period of time not to exceed 20 years from the date of the final completion of the energy conservation improvements or the useful life of the aggregate energy conservation improvements, whichever is less. Notes issued pursuant to this subsection shall be full faith and credit, tax limited obligations of the village, payable from tax levies and the general fund as pledged by the council of the village. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. A lease-purchase agreement issued pursuant to this subsection shall not be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and shall not be a municipal security or a debt as those terms are

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defined in that act. This subsection does not limit in any manner the borrowing or bonding authority of a village as provided by law.

(3) Prior to entering into a contract for energy conservation improvements under this section, the village council shall determine the following information and, within 60 days of the completion of the improvements, shall report the following information to the department of treasury:

(a) Name of each facility to which an improvement is made and a description of the energy conservation improvement.

(b) Actual energy consumption during the 12-month period before commencement of the improvement.

(c) Project costs and expenditures, including the total of all lease payments over the duration of the lease-purchase agreement.

(d) Estimated annual energy savings, including projected savings over the duration of the installment contract.

(4) If energy conservation improvements are made as provided in this section, the village council shall report to the department of treasury, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the department of treasury.

(5) An installment contract described in this section may include a lease-purchase agreement, which may be a multiyear contractual obligation that provides for automatic renewal unless positive action is taken by the legislative body to terminate that contract. Payments under a lease-purchase agreement shall be a current operating expense subject to annual appropriations of funds by the legislative body and shall obligate the legislative body only for those sums payable during the fiscal year of contract execution or any renewal year thereafter. The legislative body may make payments under a lease-purchase agreement from any legally available funds or from a combination of energy or operational savings, capital contributions, future replacement costs avoided, or billable revenue enhancements that result from energy conservation improvements, provided that the legislative body has determined that those funds are sufficient to cover, in aggregate over the full term of the contractual agreement, the cost of the energy conservation improvements. The lease-purchase agreement will terminate immediately and absolutely and without further obligation on the part of the legislative body at the close of the fiscal year in which it was executed or renewed or at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the legislative body under the lease-purchase agreement. During the term of the lease-purchase agreement, the legislative body shall be the vested owner of the energy conservation improvements and may grant a security interest in the energy conservation improvements to the provider of the lease-purchase agreement. Upon the termination of the lease-purchase agreement and the satisfaction of the obligations of the legislative body, the provider of the lease-purchase agreement shall release its security interest in the energy conservation improvements.

**History:** Add. 1984, Act 402, Imd. Eff. Dec. 28, 1984 ;-- Am. 1989, Act 28, Imd. Eff. May 23, 1989 ;-- Am. 2002, Act 276, Imd. Eff. May 9, 2002 ;-- Am. 2016, Act 120, Eff. Aug. 17, 2016

**Compiler's Notes:** For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

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# Chapter IX
# FINANCE AND TAXATION.

## 69.1 Authority of council to levy taxes; general fund.

Sec. 1.

(1) Actions taken by the council under this chapter are subject to the voting requirements of section 5 of chapter V. However, the council shall not increase a tax or impose a special assessment except by an affirmative vote of 2/3 of the members of council.

(2) The council may raise, by general tax upon the real and personal property liable to taxation in the village (exclusive of taxes for highway and street purposes and not otherwise provided for in this act), a sum not exceeding in any 1 year 1-1/4% of the assessed value of that property, to defray the general expenses and liabilities of the village, and to carry into effect the powers in this act granted. The money so raised constitutes a "general fund".

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2852 ;-- CL 1915, 2726 ;-- CL 1929, 1635 ;-- CL 1948, 69.1 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

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## 69.2 Authority of council to levy taxes; general highway fund.

Sec. 2.

The council shall also have power to raise, by general tax upon all real estate and personal property aforesaid, such sum not exceeding 1/2 of 1 per cent of the assessed value of said property, as they shall deem necessary for highway and street purposes. Such moneys shall constitute a "general highway fund," and shall be expended exclusively for working and improving the highways, streets, lanes and alleys of the village and for the construction and repair of bridges therein.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2853 ;-- CL 1915, 2727 ;-- CL 1929, 1636 ;-- CL 1948, 69.2

## 69.3 Repealed. 1958, Act 116, Eff. Sept. 13, 1958.

**Compiler's Notes:** The repealed section provided for levy and collection of poll tax.

## 69.4 Authority of council to levy taxes; cemeteries; tax limit.

Sec. 4.

The council may for the purpose of purchasing grounds for a cemetery, raise by general tax a sum not exceeding in any 1 year, 1/4 of 1% of the taxable value of the property in the village. However, the total sum that may be raised for the purchase of grounds for that purpose shall not at any time exceed $5,000.00. The council may, for the purpose of maintaining the cemetery, raise by general tax a sum not exceeding in any 1 year 1/10 of 1% of the taxable value of the property in the village.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2855 ;-- CL 1915, 2729 ;-- Am. 1923, Act 157, Eff. Aug. 30, 1923 ;-- CL 1929, 1638 ;-- CL 1948, 69.4 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.5 Authority of council to levy taxes; street and other local improvements; special assessment proceeds.

Sec. 5.

The council may raise by special assessment upon the lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the district in proportion to frontage or benefits, such sums as they shall consider necessary to defray the costs of the improvements.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2856 ;-- CL 1915, 2730 ;-- CL 1929, 1639 ;-- CL 1948, 69.5 ;-- Am. 1969, Act 58, Imd. Eff. July 21, 1969 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998 ;-- Am. 2002, Act 276, Imd. Eff. May 9, 2002

### 69.6 Taxation for payment of interest, principal, sinking fund deposits, evidences of indebtedness, assessments, or contract obligations; credit for surplus money.

Sec. 6.

The council shall raise annually by taxation an amount such that the estimated collections will be sufficient to promptly pay when due the interest, that portion of the principal, and the required sinking fund deposits on the outstanding bonds or other evidences of indebtedness, or assessments or contract obligations in anticipation of which bonds were issued, falling due prior to the time of the following year's tax collections. The tax shall be without limitation as to rate or amount and in addition to any other tax the village may levy but shall not be in excess of the rate or amount necessary to pay the principal and interest or assessments or contract obligations. If at the time of making an annual tax levy, surplus money is on hand for the payment of principal or interest and provision for disposition of the money was not made, then credit for the surplus may be taken against the amount to be raised for principal or interest as the case may be. The money so raised shall be used solely for the purpose stated in this section.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2857 ;-- CL 1915, 2731 ;-- CL 1929, 1640 ;-- CL 1948, 69.6 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.7 Auditing and settling accounts; statement.

Sec. 7.

Within 2 weeks after an annual village election for members of the council, the council shall audit and settle the accounts of the treasurer and other officers of the village, and so far as practicable, of all persons having claims against the village. The council shall prepare a statement summarizing the results of the audit.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2858 ;-- CL 1915, 2732 ;-- CL 1929, 1641 ;-- CL 1948, 69.7 ;-- Am. 1977, Act 197, Imd. Eff. Nov. 17, 1977 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.7a Commencement of fiscal year.

Sec. 7a.

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The fiscal year of a village shall commence on March 1 of each year. The council may by ordinance adopt another date for the commencement of the village's fiscal year. The fiscal year of any village subject to this act that commences on a date other than March 1 on the effective date of the amendatory act that added this section is hereby ratified and shall continue until changed or modified pursuant to this section.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.8 Village taxes; annual assessment roll; contents; certification of determination.

Sec. 8.

The treasurer of a village subject to this act shall, in each year, at and within the same time as required by the general laws of this state for the assessment of property in the townships of this state, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the state to taxation in the village, and the name of the owner, agent, or other person liable to pay taxes. The treasurer shall record on the roll the valuation of such property, at its value, as determined by the assessor of the township where the property is located, placing the value of the real and personal property in separate columns. In fulfilling the requirements of this section, the treasurer shall conform to and be governed by the law governing supervisors of townships performing like services, unless otherwise in this act provided. However, if in any year it is not necessary to raise any money by taxation in a village, the council of the village may so determine by resolution, and shall certify the determination to the treasurer. The treasurer shall not make any assessment roll of property in the village for that year.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- Am. 1897, Act 56, Imd. Eff. Mar. 31, 1897 ;-- CL 1897, 2859 ;-- CL 1915, 2733 ;-- CL 1929, 1642 ;-- Am. 1941, Act 49, Eff. Jan. 10, 1942 ;-- CL 1948, 69.8 ;-- Am. 1967, Act 84, Eff. Nov. 2, 1967 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

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### 69.9 Assessment roll; review by township board of review.

Sec. 9.

The board of review of the township where the village is located shall review the assessment roll in the same manner, at the same time and place, and pursuant to the same processes as provided in sections 28 to 33 of the general property tax act, 1893 PA 206, MCL 211.28 to 211.33.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2860 ;-- CL 1915, 2734 ;-- CL 1929, 1643 ;-- CL 1948, 69.9 ;-- Am. 1967, Act 84, Eff. Nov. 2, 1967 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.10, 69.11 Repealed. 1967, Act 84, Eff. Nov. 2, 1967.

**Compiler's Notes:** The repealed sections related to board of review of assessments; powers and duties; and changes in tax roll.

### 69.12 Annual assessment roll; certification of board of review.

Sec. 12.

Immediately after the review of the assessment roll, the secretary of the board of review shall file the assessment roll with the council.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2863 ;-- CL 1915, 2737 ;-- CL 1929, 1646 ;-- CL 1948, 69.12 ;-- Am. 1967, Act 84, Eff. Nov. 2, 1967

### 69.13 Assessment roll; council's certificate to treasurer; contents.

Sec. 13.

The council, after an examination of the assessment roll, shall certify to the treasurer the assessment roll, together with the amount which they require to be raised by general tax, for highway and other general purposes and all amounts of special assessments which they require to be reassessed upon any lands or premises with a particular description of the lands and property to be reassessed, and the amounts to be reassessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with the taxes and assessments. The certificate shall be endorsed upon or annexed to the roll and signed by the president and clerk.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2864 ;-- CL 1915, 2738 ;-- CL 1929, 1647 ;-- CL 1948, 69.13 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

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### 69.14 Assessment roll; tax apportionment by assessor.

Sec. 14.

Upon receiving the assessment roll, with the certificate of the several amounts to be raised, as provided in section 13 of this chapter, the treasurer shall estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes and all general taxes, except those for highway purposes, in 1 column; the general highway taxes in another column; the street district taxes, if any, in a third column; all special assessment taxes in a fourth column; and the total of all taxes assessed to each valuation in the last column of the roll. The treasurer shall also foot up the amounts carried to the last column, and certify upon the roll the aggregate amounts of the taxes levied.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2865 ;-- CL 1915, 2739 ;-- CL 1929, 1648 ;-- CL 1948, 69.14 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.15 Delivery of certified assessment roll to treasurer; collection warrant; renewal of warrant.

Sec. 15.

The warrant of the president of the village shall be annexed to the roll, directing and requiring the treasurer to collect from the persons named in the roll the sums mentioned opposite their respective names, as a tax or assessment, and authorizing him or her, in case any person named on the roll shall neglect or refuse to pay the sums, to collect the sums, together with fees and charges, in the manner provided in section 17 of this chapter. The warrant shall direct the treasurer to collect all taxes by a certain day as determined under section 18 of this chapter. The president may renew the warrant from time to time, by order of the council, and

for a time as the council shall direct, except that the time shall not be extended later than the last day of February of the year following the levy of the village taxes.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- Am. 1897, Act 56, Imd. Eff. Mar. 31, 1897 ;-- CL 1897, 2866 ;-- CL 1915, 2740 ;-- CL 1929, 1649 ;-- CL 1948, 69.15 ;-- Am. 1984, Act 179, Eff. Mar. 29, 1985 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.16 Taxes; treasurer to collect; fees.

Sec. 16.

Immediately upon receiving the tax roll, with the warrant annexed, as provided in section 15 of this chapter, the treasurer shall proceed to collect the taxes levied according to the direction of the warrant, together with the fees authorized by law.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2867 ;-- CL 1915, 2741 ;-- CL 1929, 1650 ;-- CL 1948, 69.16 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.17 Taxes; collection by seizure of personal property.

Sec. 17.

If a person, including a firm or corporation, does not pay a tax imposed upon real or personal property belonging to that person, the treasurer shall collect the tax by seizing the personal property of that person located in this state in an amount sufficient to pay the tax, the fees, and charges for subsequent sale of the property. No property of the person shall be exempt from such seizure. The treasurer shall comply with the requirements of section 47 of the general property tax act, 1893 PA 206, MCL 211.47. The treasurer shall have the same powers and perform the same duties, so far as applicable, as township treasurers, in the collection of taxes levied in townships.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2868 ;-- CL 1915, 2742 ;-- CL 1929, 1651 ;-- CL 1948, 69.17 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 69.18 Taxes as lien against property; interest; fees and charges; taxes returned delinquent; resolution; tax bill or enclosure to specify where delinquent taxes to be paid; adding fees and interest to taxes; return of unpaid taxes on real property to county treasurer; collection; rate of interest and fees; delinquent taxes as lien; return to department of treasury.

Sec. 18.

(1) Taxes collected by a village become a lien against the property on which assessed on July 1. Taxes collected on or before September 14 in each year are not subject to interest. Taxes collected after September 14 of any year bear interest at the rate imposed by the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, on delinquent property tax levies that became a lien in the same year. The village taxes that are collected by a village are subject to the same fees and charges the village may impose under section 44 of the general property tax act, 1893 PA 206, MCL 211.44. All interest and property tax administration fees that are imposed before the date these taxes are returned delinquent and that are attributable to village taxes belong to the village. Interest and, to the extent permitted by section 44 of the general property tax act, 1893 PA 206, MCL 211.44, fees must be included in the unpaid tax rolls or

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the delinquent tax rolls returned to the county treasurer on September 15, or not later than March 1 if the warrant is extended.

(2) Taxes collected by the village must be returned delinquent to the county treasurer on September 15 unless the governing body of the village by resolution determines that the village taxes will be returned to the county treasurer on the same date that county taxes are returned delinquent for collection. The resolution must be adopted on or before June 1 to be effective as to the immediately succeeding summer tax levy and, subject to this qualification, is effective as to all subsequent tax levies until revoked by resolution of the governing body of the village. A revoking resolution must be adopted on or before June 1 to be effective as to the immediately succeeding summer tax levy and, subject to this qualification, is effective as to all subsequent tax levies. A resolution of either kind must be forwarded to the county treasurer before the July 1 tax levy to which it first applies. A village collecting delinquent taxes under this section shall specify in the village tax bill for each year or a separate enclosure with the tax bill where delinquent taxes are to be paid.

(3) If the unpaid village taxes are returned to the county treasurer before March 1 of the year following the levy of the village taxes, the county treasurer shall add to those taxes fees and interest in the same amount as would have been added if collected by the village treasurer. As of March 1, the accumulated interest and the fees on those taxes that may be imposed and returned delinquent must be added to and become a part of the village tax subject to the interest and fees charged by the county treasurer on the delinquent taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(4) Within 1 week after the expiration of the time limited in the warrant for the collection of the taxes levied on the roll, or within 1 week after the time to which the warrant may have been renewed or extended, if the treasurer has been unable to collect any of the taxes on the roll on real property, the treasurer shall return all unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers. The taxes returned must be collected in the same manner as other taxes returned to the county treasurer are collected under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, with the same rate of interest and fees. All taxes on real property returned as delinquent are and remain a lien on the property until paid. The county treasurer at the time that he or she returns to the department of treasury delinquent taxes assessed under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, shall also return all village taxes that were returned delinquent to his or her office and that remain unpaid on March 1 of the year of the return.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2869 ;-- Am. 1915, Act 140, Eff. Aug. 24, 1915 ;-- CL 1915, 2743 ;-- CL 1929, 1652 ;-- CL 1948, 69.18 ;-- Am. 1984, Act 179, Eff. Mar. 29, 1985 ;-- Am. 2020, Act 86, Imd. Eff. June 11, 2020

### 69.19 Tax sales; proceeds, deposit with county treasurer.

Sec. 19.

Moneys received for such sale shall be paid over to the village treasurer. All of the provisions of the general tax law relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this act.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- Am. 1897, Act 88, Eff. Aug. 30, 1897 ;-- CL 1897, 2870 ;-- CL 1915, 2744 ;-- CL 1929, 1653 ;-- CL 1948, 69.19

**69.20 Tax on personal property; collection suit.**

Sec. 20.

If the treasurer is unable to collect a tax assessed upon personal property in the village, the treasurer of the village may bring an action, in the name of the village, for the recovery of the tax, against any persons against whom the tax was assessed, before a court of competent jurisdiction, and take and use all lawful means provided by law for the collection of debts to enforce the payment of the tax. In such cases, the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their township for such purposes, apply. The court may order the person or persons assessed the personal property tax to pay the amounts authorized under section 47 of the general property tax act, 1893 PA 206, MCL 211.47.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2871 ;-- CL 1915, 2745 ;-- CL 1929, 1654 ;-- CL 1948, 69.20 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

**69.21 Borrowing in anticipation of revenue sharing or taxes.**

Sec. 21.

Subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, the council may borrow money, and give notes of the village, in anticipation of 1 or more of the following:

(a) The receipt of revenue sharing payments under the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921.

(b) The collection of taxes.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2872 ;-- CL 1915, 2746 ;-- CL 1929, 1655 ;-- CL 1948, 69.21 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998 ;-- Am. 2002, Act 276, Imd. Eff. May 9, 2002

**69.22 Raising additional amounts by tax or loan; approval of electors; limitation on taxation and indebtedness; exclusions from limitation; validation of prior bonds or obligations; computation of net indebtedness for purposes of subsection (2).**

Sec. 22.

(1) If any greater amount is required in any year for any lawful purpose than can otherwise be raised by the council under this chapter, the amount may be raised by tax or loan, or partly by tax and partly by loan. If approved by a majority vote of the electors at an annual or special village election, the council may levy a tax that, in any year, must not exceed 2% of the assessed valuation of the real and personal property within the village, as shown by the last preceding assessment roll of the village.

(2) The amount of indebtedness incurred by the issue of bonds or otherwise, including existing indebtedness, must not exceed 10% of the assessed valuation of the real and personal property within the village subject to taxation as shown by the last preceding assessment roll of the village. Bonds issued in anticipation of the collection of special assessments even though the bonds are a general obligation of the village, motor vehicle highway fund bonds even though they are a general obligation of the village, revenue bonds, or bonds issued or contract or assessment obligations incurred to comply with an order of the department of

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environmental quality or a court of competent jurisdiction, even though they are a general obligation of the village and bonds issued or contract or assessment obligations incurred for water supply, sewage, drainage, or refuse disposal necessary to protect the public health by abating pollution even though they are a general obligation of the village, are not included in this limitation. Money on hand in a sinking fund limited to the payment of indebtedness may be treated as a reduction of the indebtedness to that extent. In case of fire, flood, or other calamity requiring an emergency fund for the relief of the inhabitants of the village, or for the repairing or rebuilding of any of its municipal buildings, works, bridges, or streets, the council may borrow money due in not more than 3 years and in an amount not exceeding 1/4 of 1% of the taxable valuation of the village, notwithstanding that the loan may increase the indebtedness of the village beyond the limitations fixed by this section. If a village is authorized to acquire or operate a public utility, the village may issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by this section. The mortgage bonds issued beyond the limit of general indebtedness prescribed by this section must not impose any liability upon the village, but must be secured only upon the property and revenues of the public utility, including its franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility; which franchise must not extend for a period of more than 20 years from the date of the sale of the utility and franchise on foreclosure. All bonds issued, or contract or assessment obligations incurred, before January 30, 1974 are validated.

(3) In computing the net indebtedness for the purposes of subsection (2), there may be added to the assessed value of real and personal property in a village for a fiscal year an amount equal to the assessed value equivalent of certain village revenues as determined under this subsection. The assessed value equivalent must be calculated by dividing the sum of the following amounts by the village's millage rate for the fiscal year:

(a) The amount paid or the estimated amount required to be paid by the state to the village during the village's fiscal year for the village's use under the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921, and the amount of any eligible reimbursement to the village under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362, except any amount distributed under section 17(4)(c) of the local community stabilization authority act, 2014 PA 86, MCL 123.1357, in excess of the village's qualified loss. The department of treasury shall certify these amounts upon request. As used in this subdivision, "qualified loss" means that term as defined in section 5 of the local community stabilization authority act, 2014 PA 86, MCL 123.1345.

(b) The amount levied by the village for its own use during the village's fiscal year from the specific tax levied under 1974 PA 198, MCL 207.551 to 207.572.

(c) The amount levied by the village for its own use during the village's fiscal year from the specific tax levied under the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2873 ;-- CL 1915, 2747 ;-- CL 1929, 1656 ;-- CL 1948, 69.22 ;-- Am. 1952, Act 168, Eff. Sept. 18, 1952 ;-- Am. 1969, Act 65, Eff. Mar. 20, 1970 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998 ;-- Am. 2018, Act 87, Eff. June 24, 2018

**69.22a Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.**

**Compiler's Notes:** The repealed section pertained to acquisition or operation of public utility.

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**69.23 Bonds; approval of electors required; exemption of certain bonds and obligations; expenses.**

Sec. 23.

(1) Subject to subsection (2), a village shall not issue bonds unless the issuance is approved by a majority of the electors voting on the bond issuance at a regular or special village election. The election shall be conducted in accordance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) Subsection (1) does not apply to any of the following:

(a) Obligations incurred by the village evidenced by contracts, notes, or assessments.

(b) Special assessment bonds.

(c) Bonds for the portion of the cost of local improvements to be paid by the village at large not to exceed 40% of the cost of the improvements.

(d) Emergency bonds.

(e) Bonds that the council is authorized by specific statute to issue without a vote of the electors.

(3) The expenses of the election shall be paid by the village as provided in section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2874 ;-- CL 1915, 2748 ;-- CL 1929, 1657 ;-- CL 1948, 69.23 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005

**69.24 Disbursements; procedures.**

Sec. 24.

Disbursements may be made from the treasury under either of the following procedures:

(a) Upon appropriation by the council and the warrant of the clerk, countersigned by the president. The warrant shall specify the fund from which the money is payable, and shall be paid from no other fund. A warrant shall not be drawn upon the treasury after the fund from which it should be paid has been exhausted, and such a warrant is void.

(b) Pursuant to an ordinance or resolution under section 5 of chapter V.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2875 ;-- CL 1915, 2749 ;-- CL 1929, 1658 ;-- CL 1948, 69.24 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

**69.25 Loans; issuance and execution of bonds; validation of prior bonds or indebtedness.**

Sec. 25.

A loan may not be made by the council or by its authority in any year, exceeding the amounts prescribed in this act. For a loan lawfully made, the bonds of the village may be issued subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The bonds shall be executed in the manner directed by the council. Bonds issued or indebtedness incurred by a village before January 30, 1974 are validated.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2876 ;-- CL 1915, 2750 ;-- Am. 1917, Act 52, Imd. Eff. Apr. 13, 1917 ;-- CL 1929, 1659 ;-- CL 1948, 69.25 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998 ;-- Am. 2002, Act 276, Imd. Eff. May 9, 2002

**69.26, 69.27 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.**

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**Compiler's Notes:** The repealed sections pertained to bonds and contractual obligations.

# Chapter X
# FIRES AND FIRE DEPARTMENT.

## 70.1 Ordinances and regulations; fire department and fire companies; fire fighters; rules and regulations.

Sec. 1.

The council may adopt ordinances and regulations to protect against fires and may establish and maintain a fire department and organize and maintain fire companies. Unless otherwise provided in an ordinance adopted under section 8 of chapter V that delegates the authority to the fire chief, the council may employ and appoint fire fighters; and make and establish rules and regulations for the government of the department, the employees, fire fighters, and officers of the department; and for the care and management of the vehicles, equipment, property, and buildings of the department. Fire fighters shall comply with the fire fighters training council act of 1966, 1966 PA 291, MCL 29.361 to 29.377.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2878 ;-- CL 1915, 2752 ;-- CL 1929, 1661 ;-- CL 1948, 70.1 ;-- Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

## 70.2 Vehicles and equipment; water supply.

Sec. 2.

The council may purchase and provide suitable vehicles and equipment for the extinguishment of fires; and provide for a convenient supply of water for the use of the fire department.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2879 ;-- CL 1915, 2753 ;-- CL 1929, 1662 ;-- CL 1948, 70.2 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

## 70.3 Necessary buildings for keeping vehicles and equipment.

Sec. 3.

The council may also provide or erect all necessary buildings for keeping the vehicles and equipment of the fire department.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2880 ;-- CL 1915, 2754 ;-- CL 1929, 1663 ;-- CL 1948, 70.3 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

## 70.4 Chief of fire department; appointment; duties; section subject to ordinance.

Sec. 4.

The council may provide by ordinance or resolution for the appointment of a chief of the fire department, who shall be subject to the direction of the president and the regulations of the council. The chief of the fire department shall supervise and direct the department, and the care and management of the vehicles, equipment, and property of the department. This section is subject to an ordinance adopted under section 8 of chapter V.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2881 ;-- CL 1915, 2755 ;-- CL 1929, 1664 ;-- CL 1948, 70.4 ;-- Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 70.5 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to failure of person to comply with command of fire department chief.

### 70.6 Storage and handling of hazardous substances; prevention and suppression of fires; ordinance; fire inspectors; authority subject to state and federal law.

Sec. 6.

(1) The council may provide by ordinance for the storage and handling of combustible, explosive, or other hazardous substances.

(2) The council may provide by ordinance for the prevention and suppression of fires. The ordinance may prescribe, but need not be limited to, the manner of construction of buildings and other structures within the village or certain districts of the village.

(3) The council may provide by ordinance for the appointment of fire inspectors, and may appoint fire inspectors. The ordinance may provide for the periodic examination by the fire inspectors of the stoves, furnaces, and heating apparatus and devices in all dwellings, buildings, and structures within the village, and in all places where combustible or explosive substances are kept, and authorize fire inspectors to require stoves, furnaces, and heating apparatus and devices that pose a fire hazard to be put in a safe condition.

(4) The authority granted under this section is subject to state and federal law.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2883 ;-- CL 1915, 2757 ;-- CL 1929, 1666 ;-- CL 1948, 70.6 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

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### 70.7, 70.8 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to erection or construction of wooden buildings and to restriction of certain dangerous trades or shops.

### 70.9 Building or structure as nuisance; abatement or removal.

Sec. 9.

Every building or structure erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is a nuisance, and may be abated or removed by the direction of the council under procedures set forth in an ordinance adopted for that purpose.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2886 ;-- CL 1915, 2760 ;-- CL 1929, 1669 ;-- CL 1948, 70.9 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 70.10 Compensation of officers, fire fighters, and employees; compensation for injuries.

Sec. 10.

The officers, fire fighters, and employees of the department shall receive compensation as the council may provide. The council may provide suitable compensation for an injury to person or property which a fire fighter receives in consequence of the performance of the fire fighter's duty at a fire.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2887 ;-- CL 1915, 2761 ;-- CL 1929, 1670 ;-- CL 1948, 70.10 ;-- Am. 1978, Act 13, Imd. Eff. Feb. 8, 1978

### 70.11 Authorized razing of buildings; damages; determination by jury.

Sec. 11.

(1) The chief in charge of the department at any fire, with the concurrence of the president or any 2 trustees, may cause any building to be pulled down or destroyed to arrest the progress of the fire.

(2) If a building is so pulled down or destroyed, a person having an interest in the building may present a claim for damages to the council of the village. The council shall pay the claimant damages as may be just under all the circumstances, taking into consideration whether or not such loss would probably have occurred to the building even if it had not been pulled down or destroyed, and whether the building was insured or not.

(3) If the council and the claimant are not able to agree upon the amount of damages to be paid, then the amount of damages shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of a jury to appraise damages for taking private property for public use. The jury may visit the premises and may hear all the proofs in the case, and shall allow the claimant the amount of damages as they may consider proper under the standard set forth in subsection (2).

(4) If the jury is not able to agree, a new jury shall be empaneled as provided in subsection (3) until a jury is obtained that does agree.

(5) The council shall pay such claimant the amount of damages fixed by a jury under subsection (3) or (4).

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2888 ;-- CL 1915, 2762 ;-- CL 1929, 1671 ;-- CL 1948, 70.11 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 70.12 Watercraft on navigable streams; regulation.

Sec. 12.

The council of a village located upon any of the navigable waters of the state may by ordinance prescribe regulations, to be observed by owners, masters, and employees of watercraft, necessary to prevent fires in a harbor and to prevent the communication of fire from watercraft, and may prescribe in such an ordinance the manner of collecting any sanction imposed by the ordinance.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2889 ;-- CL 1915, 2763 ;-- CL 1929, 1672 ;-- CL 1948, 70.12 ;-- Am. 1994, Act 16, Eff. May 1, 1994

### 70.13 Police force; employment; compliance with standards.

Sec. 13.

(1) The council may establish a police force, and may authorize the president to appoint, with the consent of the council, the number of police officers and other personnel that the

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council considers expedient for the good government of the village and protection of persons and property. The council by ordinance may delegate authority to the police chief to employ police officers and other personnel. This subsection is subject to an ordinance adopted under section 8 of chapter V.

(2) The police force shall comply with the minimum employment standards for law enforcement officers published by the law enforcement council under the Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 26.601 to 26.616.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998
**Compiler's Notes:** The reference in this section to “Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 26.601 to 26.616” evidently should read "Michigan law enforcement officers training council act of 1965, 1965 PA 203, MCL 28.601 to 28.616”.

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### 70.14 Police officers; powers, duties, and authority.

Sec. 14.

The council shall adopt rules for the government of the police, prescribe the powers and duties of police officers and other personnel, and invest them with authority necessary for the preservation of quiet and good order in the village. The police shall suppress riots, disturbances, and breaches of the peace; arrest any person fleeing from justice; apprehend upon view any person found violating a state law or village ordinance in a manner involving a breach of the peace and, unless the violation constitutes a civil infraction, take the offender before the proper magistrate or officer, to be punished; make complaints before the proper magistrate of any person known or believed by the police to have violated a state law or village ordinance; serve process that may be delivered to the police for that purpose; and generally perform duties required by the council for the good government of the village.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 70.15 Police chief; nomination; appointment; service; duties.

Sec. 15.

The president may nominate and the council may appoint a chief of police of the village. The police chief shall serve at the pleasure of the council, unless the council has agreed to some other condition of appointment, and is subject to the direction of the president and council, or, if provided by ordinance adopted under section 8 of chapter V, the village manager. The police chief shall see that all the ordinances and regulations of the council, made for the preservation of quiet, and good order, and the protection of persons and property, are promptly enforced.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 70.16 Village police officer; powers vested; authority.

Sec. 16.

(1) A police officer of the village, within the village, is vested with all the powers conferred upon sheriffs for the preservation of quiet and good order and has the power to serve and execute all process directed or delivered to the police chief, in all proceedings for violations of the ordinances of the village.

(2) A police officer of a village has the same authority within the village as a deputy sheriff to execute a bench warrant for arrest issued by a court of record or a municipal court.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 70.18 Department of public safety; creation; director; officers; structure.

Sec. 18.

(1) The council may by ordinance create a department of public safety and delegate to it all the power, authority, and duties which may be exercised by a fire department or a police department or both. If the ordinance provides for the combination of existing police and fire entities, it shall provide for a right of referendum and become effective as provided in section 1(4) of chapter II.

(2) The department of public safety shall be headed by the director of public safety, who shall be the commanding officer of the department. The president shall nominate and the council appoint the director of public safety. The director of public safety is subject to the direction of the president and council, or, if provided by ordinance adopted under section 8 of chapter V, the village manager.

(3) If authorized by ordinance, the director of public safety may employ public safety officers and other personnel. The director of public safety shall direct the police and fire work of the village and be responsible for the enforcement of law and order, the protection of life and property against fire, and the performance of other public services of an emergency nature assigned to the department of public safety.

(4) If a department of public safety is established, a reference to the chief of police or the chief of the fire department contained in a state statute or village ordinance shall be considered to refer to the director of public safety.

(5) The council may structure the department of public safety so that separate police and fire entities may be continued.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

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## Chapter XI
## WATER WORKS.

### 71.1 Water works; establishment; maintenance.

Sec. 1.

Any village may purchase or construct and may maintain water works to provide the village with pure water.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2890 ;-- CL 1915, 2764 ;-- Am. 1917, Act 43, Eff. Aug. 10, 1917 ;-- Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917 ;-- CL 1929, 1673 ;-- Am. 1937, Act 349, Imd. Eff. Aug. 5, 1937 ;-- CL 1948, 71.1 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.2 Water works or filtration plant; authorized acquisitions, construction, and maintenance.

Sec. 2.

The village may acquire, purchase, erect, and maintain the reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes, and other apparatus, appurtenances, and machinery, and may acquire, purchase, appropriate, and own such grounds, real estate, rights, and privileges that are necessary and proper for securing, constructing, rebuilding, repairing, extending, and maintenance of those water works or filtration plants.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2891 ;-- Am. 1915, Act 158, Imd. Eff. May 7, 1915 ;-- CL 1915, 2765 ;-- Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917 ;-- CL 1929, 1674 ;-- CL 1948, 71.2 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.3 Borrowing; purpose; limitations.

Sec. 3.

It shall be lawful for any village, subject to the provisions of this act, to borrow any sum of money, that will not make the total indebtedness of such village greater than the limitations imposed in chapter 9, to be used exclusively for the purpose of purchasing, constructing, repairing, rebuilding, extending and maintaining water works, or filtration plants as provided in the 2 preceding sections, and for the payment of any indebtedness incurred by the village in purchasing, constructing, repairing, rebuilding, extending, and maintaining water works or filtration plants.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2892 ;-- Am. 1915, Act 158, Imd. Eff. May 7, 1915 ;-- CL 1915, 2766 ;-- Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917 ;-- Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925 ;-- CL 1929, 1675 ;-- CL 1948, 71.3 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974

### 71.4 Estimate of expense; specially assessing cost of certain water improvements.

Sec. 4.

Before any money shall be borrowed, appropriated, raised, or expended for the purchase, construction, repairing, rebuilding, or extending of water works or filtration plants in any village, or for the payment of any indebtedness incurred by the village, in purchasing, constructing, repairing, rebuilding, extending, and maintaining water works or filtration plants, the council shall cause to be made an estimate of the expense thereof. The council may determine to specially assess any portion of the cost of water improvements to property especially benefited thereby pursuant to chapter 8.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- Am. 1897, Act 63, Eff. Aug. 30, 1897 ;-- CL 1897, 2893 ;-- Am. 1915, Act 158, Imd. Eff. May 7, 1915 ;-- CL 1915, 2767 ;-- Am. 1917, Act 94, Imd. Eff. Apr. 17, 1917 ;-- CL 1929, 1676 ;-- CL 1948, 71.4 ;-- Am. 1969, Act 65, Eff. Mar. 20, 1970 ;-- Am. 1974, Act 4, Imd. Eff. Jan. 30, 1974

### 71.5 Private connections; manner; permit; repairs at owner's expense.

Sec. 5.

The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be connected with the main pipe until a permit is obtained from the village. Connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2894 ;-- CL 1915, 2768 ;-- CL 1929, 1677 ;-- CL 1948, 71.5 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.6 Water rates; ordinance; terms.

Sec. 6.

The council shall establish just and equitable water rates to be charged and paid for water supply. The council shall periodically either modify, amend, increase, or diminish the water rates. The council may prescribe by ordinance when and to whom such water rates shall be paid, and what steps shall be taken to enforce payment of the water rates, including, but not limited to, notice to persons who fail to pay the rates that their supply of water may be shut off, and may provide, in case of nonpayment, that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make payment.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2895 ;-- CL 1915, 2769 ;-- CL 1929, 1678 ;-- CL 1948, 71.6 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.7 Water works; ordinances.

Sec. 7.

The council may enact such ordinances, and adopt such resolutions, as may be necessary for the care, protection, preservation, and control of the water works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the construction, management and control of such water works.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2896 ;-- CL 1915, 2770 ;-- CL 1929, 1679 ;-- CL 1948, 71.7

### 71.8 Water works; location outside corporate limits; control by council.

Sec. 8.

If the council considers it in the public interest, the village may purchase or construct and may maintain a water works beyond the corporate limits of the village. In such case the council may enforce beyond the corporate limits of the village, have control over the buildings, machinery, and other property belonging to and connected with the water works, in the same manner and to the same extent as if located within the village, and adopt and enforce ordinances and police regulations as may be necessary for the care, protection, preservation, management, and control of the water works. However, nothing in this section prohibits another local governmental unit from enforcing its ordinances within its limits.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2897 ;-- CL 1915, 2771 ;-- CL 1929, 1680 ;-- CL 1948, 71.8 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.9 Water works; use of street or highway.

Sec. 9.

For the purpose of operating or constructing and maintaining such water works, the village may, after obtaining appropriate rights as provided by law, use the ground or soil under any

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street, highway, or road for the purpose of introducing water into and through any and all portions of the village, and repairing and relaying water pipes.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2898 ;-- CL 1915, 2772 ;-- CL 1929, 1681 ;-- CL 1948, 71.9 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.10 Water works; condemnation.

Sec. 10.

If it shall be necessary, in the judgment of the council, to appropriate private property for the construction, maintenance, or operation of water works, the right to occupy and hold the same and the ownership or easement rights may be acquired by the village in the manner provided by 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, 2899 ;-- CL 1915, 2773 ;-- CL 1929, 1682 ;-- CL 1948, 71.10 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.11 Water supply contract; use of streets, wharves, and public grounds.

Sec. 11.

The council may contract from year to year, or for a period not exceeding 10 years, with a person to supply the village with water 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 supply of water for the village upon terms and conditions specified in the contract.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2900 ;-- CL 1915, 2774 ;-- CL 1929, 1683 ;-- CL 1948, 71.11 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.12 Street administrator; duties.

Sec. 12.

Unless otherwise provided by ordinance adopted under section 8 of chapter V, as directed by the council, the street administrator designated under section 13 of 1951 PA 51, MCL 247.663, shall perform, or cause to be performed under his or her supervision, labor, repairs, and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds, and parks within the village.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 71.13 Street administrator; report.

Sec. 13.

The street administrator shall provide the council, in writing and on oath once in each month, an exact report of all labor performed by the street administrator, or under his or her supervision, and the charges therefor; the amount of material used, and the expense thereof; the street or other place where the material was used, or labor performed; and the items and purpose of all expenses incurred since his or her last preceding report.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

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### 71.14 Department of public works; performance of duties of administrator; director.

Sec. 14.

The council by ordinance may establish a department of public works to perform the duties of the street administrator and other duties authorized by this act or by the council. The ordinance shall provide that the president shall nominate and the council shall appoint a director of public works. The council may designate the village manager as director of public works in an ordinance enacted pursuant to section 8 of chapter V.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

## 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 Notes:** 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

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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,

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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 Notes:** 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

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# Chapter XIII
# APPROPRIATION OF PRIVATE PROPERTY

## 73.1 Condemnation.

Sec. 1.

Private property may be taken for public use in a village for opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges, public buildings, and other public structures; for public grounds, parks, marketplaces, and spaces; for public wharves, docks, slips, basins, and landings on navigable waters; for the improvement of sanitary sewers, drains, ditches, storm water systems, water supply systems, and watercourses; for public hospitals; and for other lawful and necessary public uses.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2910 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2784 ;-- CL 1929, 1693 ;-- CL 1948, 73.1 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

## 73.2 Condemnation; acquisition of property; resolution.

Sec. 2.

To initiate the acquisition of private property, the council shall adopt a resolution describing the private property, declaring that the acquisition of the property is necessary for an improvement described in section 1 necessary for the use and benefit of the public, and designating the public improvement. The resolution shall direct that procedures to acquire the property be commenced under 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, 2911 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2785 ;-- CL 1929, 1694 ;-- CL 1948, 73.2 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

## 73.3 Condemnation; record of proceedings; admissible as evidence.

Sec. 3.

If a verdict and judgment in an action under the uniform condemnation procedures act, 1980 PA 87, MCL 213.51 to 213.75, is rendered in favor of the village in the circuit court, then, after the verdict and judgment become final, unless the cause was discontinued, the village clerk shall procure copies of the judgment of the circuit court as well as of the verdict of the jury, and record them in a book of records kept by the village clerk. The book of records of the proceedings kept by the village clerk, or certified copies thereof, shall be admissible in evidence and have the same evidentiary effect as a copy of the order judgment or decree of the circuit court authenticated by the judge or clerk of the court under seal thereof, as provided in section 2106 of the revised judicature act of 1961, 1961 PA 236, MCL 600.2106.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2912 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2786 ;-- CL 1929, 1695 ;-- CL 1948, 73.3 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

## 73.4 Condemnation; assessment.

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Sec. 4.

(1) After the village clerk records the final judgment and verdict as provided in section 30 of this chapter, the proper and necessary proceedings may be taken by the council for the collection of the sum awarded by the jury.

(2) If the council believes that real estate in the village in the vicinity of the proposed improvement will be benefited by the improvement, the council may, by an entry in its minutes, determine that the whole or any just proportion of the compensation awarded by the jury, and of the costs and expenses incurred in connection with the proceedings, be assessed upon the owners or occupants of real estate determined to be benefited. The council shall, by resolution, fix and determine the district of the village benefited, and specify the amount to be assessed upon the owners or occupants of the benefited real estate. In determining the amount of such costs and expenses, the council may include all costs and expenses incurred or paid for jurors' fees, expenses of abstracts, all surveys and maps, and all other necessary expenses. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of the benefited real estate, in proportion, as nearly as may be, to the advantage which each such lot or parcel is deemed to acquire by the improvement.

(3) The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, provided in sections 31 to 35 of chapter VIII. The assessment roll, when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and each assessment shall be a lien on the premises on which it is assessed until the assessment is paid.

(4) Whatever amount or portion of such awarded compensation, costs, and expenses is not raised by special assessment shall be assessed, levied, and collected upon the taxable real estate of the village, the same as other general taxes are assessed and collected. The village may purchase assessed premises or any portion sold for nonpayment of the amount assessed.

(5) If there is on the private property taken a building or other structure, it may be sold by or under the direction of the council. The amount produced by the sale shall belong and be paid to the fund for paying the compensation awarded for the property taken, and the council shall cause such amount to be credited and applied in reduction pro rata of the assessment and apportionment made to pay for the property taken.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2913 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2787 ;-- CL 1929, 1696 ;-- CL 1948, 73.4 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 73.5 Condemnation by negotiation and purchase.

Sec. 5.

This chapter does not prohibit a village from obtaining private property for a public use specified in section 1 of this chapter by negotiation and purchase. Further, this chapter does not permit a village to acquire property by condemnation that is located outside of the village limits.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2914 ;-- Am. 1903, Act 176, Imd. Eff. June 4, 1903 ;-- CL 1915, 2788 ;-- CL 1929, 1697 ;-- CL 1948, 73.5 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 73.6-73.36 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

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**Compiler's Notes:** The repealed sections pertained to condemnation proceedings.

# Chapter XIV
# MISCELLANEOUS.

### 74.1 Village; construed.

Sec. 1.

The term village, whenever used in this act, shall be construed to mean a village incorporated under this act or subject to its provisions.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2935 ;-- CL 1915, 2820 ;-- CL 1929, 1729 ;-- CL 1948, 74.1

### 74.2 Village not to own stock.

Sec. 2.

No village shall become the owner or holder of stock or shares in any incorporated company.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2936 ;-- CL 1915, 2821 ;-- CL 1929, 1730 ;-- CL 1948, 74.2

### 74.3 Affidavit or certificate of publication; filing; evidence.

Sec. 3.

If, under this act, notice of any matter or proceeding is required to be published or posted, an affidavit or certificate of the publication or posting made by the clerk of the village, or by some other person in the employ of the village knowing the facts shall be prima facie evidence of the facts therein contained if filed with the village clerk within 6 months from the date of the last publication or posting of the notice.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2937 ;-- CL 1915, 2822 ;-- CL 1929, 1731 ;-- CL 1948, 74.3 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.4 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.

**Compiler's Notes:** The repealed section pertained to bonds for payment of judgments or decrees.

### 74.5 Board of trustees; construction.

Sec. 5.

If in any other act the governing body of a village is described as the board of trustees, the trustees, or common council, it shall be construed to mean the body described in this act as the council.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2939 ;-- CL 1915, 2824 ;-- CL 1929, 1733 ;-- CL 1948, 74.5 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

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### 74.6 Changing boundaries; order, copy to secretary of state, evidence.

Sec. 6.

Whenever the council of any village shall determine by resolution to alter the boundaries of such village, either by taking in lands and premises adjoining thereto or by taking out any lands and premises included in such village, or both, they shall petition the board of supervisors of the county in which such lands and premises affected thereby are situated to make such change. Such petition shall contain a description by metes and bounds of the lands and premises proposed to be added to or taken out of such village, and shall set forth the reasons for the proposed change, and shall contain a copy of the resolution of the council in relation thereto, and shall be signed by the president and clerk of such village. Before such petition shall be presented to the board of supervisors notice shall be given by the clerk of the time and place when the same will be presented for consideration, by publishing the same in a newspaper published in such village for at least 3 weeks immediately preceding the presentation of the same, and if no newspaper is published in such village, then by posting the same in at least 3 of the most public places within the village, and in at least 3 of the most public places of the territory directly affected thereby. Such notice shall also contain a description of the premises proposed to be taken in or out of the boundaries of such village. At the time of presenting such petition all parties interested may appear before such board of supervisors and be heard touching the proposed boundaries of such village, and after such hearing and due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in the petition or any part thereof shall be granted, and they shall make an order of such determination, which order shall be entered upon their records, and thereupon the boundaries of such village shall be fixed and shall exist as provided in such order, and a certified copy thereof shall be transmitted to the clerk of such village and to the secretary of state, and such order shall be prima facie evidence of such change of boundaries of such village and of the regularity of such proceedings in all courts and places.

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**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2940 ;-- CL 1915, 2825 ;-- CL 1929, 1734 ;-- CL 1948, 74.6

### 74.6a Petition for annexation or detachment; prohibition.

Sec. 6a.

The county board of commissioners shall not consider the petition of a village council for annexation or detachment of territory under section 6 of this chapter if the petition is presented during the pendency of a petition to disincorporate the village filed under section 18a of this chapter.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.7 Reincorporation of villages; repeal.

Sec. 7.

Villages incorporated before February 19, 1895 under any general or special law of this state, are reincorporated under and made subject to this act, effective February 25, 1895.

General or special laws under which those villages were incorporated are repealed effective February 25, 1895.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2941 ;-- CL 1915, 2826 ;-- CL 1929, 1735 ;-- CL 1948, 74.7 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.8 Reincorporation of villages; rights, obligations; remedies.

Sec. 8.

All villages reincorporated under and made subject to the provisions of this act, as provided in the preceding section, shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and all the records, files, books and papers belonging to such villages as formerly incorporated, and no rights or liabilities, either in favor of or against such former corporation, existing at the time of its reincorporation, under or subject to the provisions of this act, and no suit or prosecution of any kind shall be in any manner affected by such change, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former corporation shall be deemed to be the debts and liabilities of the new corporation, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made: Provided, That when a different remedy is given in this act, which can be made applicable to any rights existing at the time of the incorporation of the village under or subject to this act, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2942 ;-- CL 1915, 2827 ;-- CL 1929, 1736 ;-- CL 1948, 74.8

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### 74.9 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to effect of reincorporation relating to present officers.

### 74.10 Reincorporation; existing by-laws, ordinances, rules and regulations.

Sec. 10.

The by-laws and ordinances of any such village, and the rules and regulations of the council and of any board of such village heretofore in force and not inconsistent with this act, shall remain in force after the passage of this act, and are hereby declared to be re-enacted, by virtue of and under the powers conferred by this act, until altered, amended or repealed by the council or board as the case may be.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2944 ;-- CL 1915, 2829 ;-- CL 1929, 1738 ;-- CL 1948, 74.10

### 74.11 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to effect of reincorporation relating to special assessments.

### 74.12 Reincorporation; granted licenses.

Sec. 12.

All licenses granted by any such village under its former act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were granted.

**History:** 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2946 ;-- CL 1915, 2831 ;-- CL 1929, 1740 ;-- CL 1948, 74.12

### 74.13 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to effect of reincorporation relating to elections.

### 74.15 Repealed. 1998, Act 254, Imd. Eff. July 13, 1998.

**Compiler's Notes:** The repealed section pertained to effect of reincorporation relating to platted and subdivided land.

### 74.17, 74.18 Repealed. 1988, Act 33, Imd. Eff. Feb. 25, 1988.

**Compiler's Notes:** The repealed sections pertained to vacating incorporation of village.

### 74.18a Disincorporation of village; procedure.

Sec. 18a.

(1) To initiate the disincorporation of a village, a petition signed by not less than 15% of the registered electors of the village requesting a vote on the question of whether the village shall disincorporate shall be filed with the township clerk.

(2) A petition shall designate the township or townships into which the village is proposed to be disincorporated. A village shall be disincorporated into the township or townships in which it is located, along existing township boundaries.

(3) After the petition is filed with the township clerk a petition affecting the village shall not be filed with the state boundary commission and a petition requesting disincorporation of the village into a different township shall not be filed under this act until the disincorporation process provided for by this act has concluded.

(4) Not more than 14 days after the petition is filed, the township clerk shall verify the signatures and determine the sufficiency of the petition. Unless the council proceeds under sections 23 to 23i of this chapter, if the clerk determines that the petition is sufficient, the question of the disincorporation of the village shall appear on the ballot at the next general or special election to be held in the village, subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. The township clerk shall prepare the ballot language, in substantially the following form:

"Shall incorporation of the village of _____ be vacated?

( ) Yes

( ) No".

(5) The county election commission of the county in which the greatest number of electors of the village reside shall provide ballots for the election.

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(6) The clerk and election officials of each township into which the village is proposed to be disincorporated shall conduct the election on the proposed disincorporation in the village and the portions of the township outside the boundaries of the village, respectively.

(7) If the election on the proposed disincorporation is to be held in conjunction with a general election or a state primary election immediately before a general election, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, the county clerk of the county in which the greatest number of electors of the village reside shall publish the notices of close of registration and election. The notice of close of registration shall include the ballot language of the proposal.

(8) The results of the election on the proposed disincorporation shall be canvassed by the board of county canvassers of the county in which the village is located.

(9) The disincorporation of the village shall take place under this section only if 2/3 of the electors voting on the questions vote "yes". If the disincorporation is approved, the council shall immediately cause a transcript of all the proceedings in the case to be certified to both of the following:

(a) The county clerk of the county in which the village or the principal part of the village is located.

(b) The secretary of state.

**History:** Add. 1988, Act 33, Imd. Eff. Feb. 25, 1988 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005 ;-- Am. 2013, Act 52, Imd. Eff. June 11, 2013

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### 74.19 Vacating incorporation of village; submission of transcript to county board of commissioners.

Sec. 19.

Upon receiving the transcript of the proceedings in submitting to a vote of the electors the question of vacating the incorporation of any village as provided in section 18a of this chapter, the county clerk shall submit the transcript to the county board of commissioners, which shall at its next regular annual meeting pass a resolution vacating the incorporation of the village.

**History:** Add. 1897, Act 182, Imd. Eff. May 29, 1897 ;-- CL 1897, 2952 ;-- CL 1915, 2836 ;-- CL 1929, 1745 ;-- CL 1948, 74.19 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.20 Vacation of village incorporation; disposition of village property; assessment; levy; placement in separate fund.

Sec. 20.

(1) Upon the vacation of the incorporation of any village under sections 18a and 19 of this chapter, the officers of the village shall immediately deposit all books, papers, records, and files relating to the organization of or belonging to the village that are in their custody as village officers with the county clerk of the county in which the village or the principal part of the village is located for safe keeping and reference. The indebtedness of the vacated village, whether bonded or otherwise, shall be assessed, levied, and collected upon the territory embraced within the boundaries of the village immediately prior to the vacation. The township board of the township or townships in which the territory formerly embraced within the limits of the vacated village shall levy upon the assessment roll or rolls of the township upon the property formerly embraced within the limits of the village, the indebtedness of the village, or such portion of the village that is apportioned to the part of the territory formerly constituting

the village that lies within the township as provided in subsection (2). This levy shall be made not more than 1 year after the date that the village incorporation is vacated. However, if the indebtedness falls due at a specified time, an assessment shall be made that will satisfy the indebtedness when it falls due.

(2) The taxes assessed and levied under subsection (1) shall be collected the same as other taxes, and shall be placed in a separate fund and applied to the payment of such indebtedness. The manner of the payment of the indebtedness shall be fixed by resolution of the township board or boards described in subsection (1).

**History:** Add. 1897, Act 182, Imd. Eff. May 29, 1897 ;-- CL 1897, 2953 ;-- CL 1915, 2837 ;-- CL 1929, 1746 ;-- CL 1948, 74.20 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.21 Vacation of village incorporation; apportionment of indebtedness; village in more than one township or county.

Sec. 21.

(1) If the territory formerly embraced within a village vacated pursuant to sections 18a and 19 of this chapter consists of territory of 2 or more townships in the same county, the township boards shall apportion, among their townships, the amount of the indebtedness of the vacated village that each township shall bear.

(2) If a village vacated pursuant to sections 18a and 19 of this chapter was comprised of territory from 2 different counties, the county boards of commissioners of the 2 counties shall determine what portion of the indebtedness of the vacated village each county shall bear, using as a basis the last preceding assessment roll of the vacated village before its vacation. The indebtedness, when so apportioned, shall be assessed, levied, and collected as provided in section 20 of this chapter.

**History:** Add. 1897, Act 182, Imd. Eff. May 29, 1897 ;-- CL 1897, 2954 ;-- CL 1915, 2838 ;-- CL 1929, 1747 ;-- CL 1948, 74.21 ;-- Am. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.22 Placing property outside corporate limits; procedure; resolution, board of supervisors.

Sec. 22.

In case any person or persons want their property placed without the corporate limits of any village, they may make application to the board of supervisors of the county in which such village is located, to change the boundaries thereof in such manner as will place the property of the person or persons applying therefor without the corporate limits of such village. Such application shall be filed with the county clerk of each county at least 10 days prior to the annual session in October of such board of supervisors, and shall be signed by 100 taxpayers of the village, or by 1/10 of the taxpayers of such village. Any person intending to apply to the board of supervisors to have his property placed without the corporate limits of any village shall give or cause to be given at least 15 days' notice of such application to the clerk of said village and by posting the same in at least 3 conspicuous public places within such village. Upon receiving the application aforesaid, the board of supervisors shall have power, by resolution, to change the boundaries of such village, as described and mentioned in such application.

**History:** Add. 1897, Act 182, Imd. Eff. May 29, 1897 ;-- CL 1897, 2955 ;-- CL 1915, 2839 ;-- CL 1929, 1748 ;-- CL 1948, 74.22

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### 74.23 Resolution for election of procedures.

Sec. 23.

Not later than the next meeting of council held after the clerk verifies the petition signatures and determines the sufficiency of the petition under section 18a of this chapter, the council may by resolution elect to proceed under this section and sections 23a to 23i of this chapter.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.23a Disincorporation commission; composition; appointment of members.

Sec. 23a.

(1) A disincorporation commission shall be composed of 3 members representing each township into which the village is proposed to be disincorporated and a number of members representing the village equal to the number of members representing townships.

(2) The village president with approval of the village council, shall appoint the members representing the village. The township supervisor of a township, with approval of the township board, shall appoint the members representing the township.

(3) Disincorporation commission members may be village or township officials.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

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### 74.23b Disincorporation commission; oath of office; vacancy.

Sec. 23b.

(1) An individual appointed to the disincorporation commission shall take the constitutional oath of office.

(2) A vacancy in the disincorporation commission is created in the manner provided in section 3 of 1846 RS 15, MCL 201.3.

(3) If a member of a disincorporation commission vacates office, the vacancy shall be filled by appointment in the same manner as provided in subsection (1).

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.23c Disincorporation commission; chairperson; secretary; officers; bylaws; quorum; conducting business at public meetings.

Sec. 23c.

(1) The president of the village shall appoint 1 of the village members as chairperson of the disincorporation commission.

(2) The village clerk shall call the first meeting of the disincorporation commission and shall serve as secretary of the commission and keep its minutes and records.

(3) At its first meeting, the disincorporation commission shall elect such other officers it considers advisable.

(4) The disincorporation commission shall adopt bylaws to govern the conduct of its business.

(5) A majority of the members of the disincorporation commission constitute a quorum for the transaction of business at a meeting of the commission. A majority of the members are required for official action of the disincorporation commission.

(6) The disincorporation commission shall conduct its business at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(7) A writing prepared, owned, used, in possession of, or retained by the disincorporation commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

**74.23d Disincorporation commission; contract for consultants and advisors; funds.**

Sec. 23d.

(1) The disincorporation commission may contract for such consultants and advisors as may be reasonably necessary in its discretion to carry out its responsibilities.

(2) The village council shall appropriate for the disincorporation commission sufficient funds for the commission to reasonably carry out its responsibilities.

(3) The disincorporation commission may accept any private or public funding.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

**74.23e Disincorporation plan; elements to be included; findings.**

Sec. 23e.

(1) The disincorporation commission may adopt a disincorporation plan for the village. Adoption of a disincorporation plan requires the affirmative vote of 2/3 of the members representing the village and 2 of the members representing each township of the disincorporation commission.

(2) The disincorporation plan shall provide an orderly process for disincorporation of the village. The disincorporation plan shall include all of the following elements:

(a) An interim land use plan and interim zoning of the property within the limits of the village.

(b) Provision for payment of all indebtedness of the village, including any outstanding judgments, or judgments that may result from pending or future litigation to which the village may become a party.

(c) Disposition of real and personal property and other assets, including funds, deposits, and investments.

(d) Disposition of all public records of the village in accordance with a records retention plan as provided by law, including files, books, and papers.

(e) Transfer or termination of employees, and contracts of employment, and disposition of employee benefits, including retirement, health and life insurance, unemployment compensation, accrued sick and vacation leave, and any other benefits.

(f) Jurisdiction over streets, roads, bridges, alleys, sidewalks, and any public easements in the village, and for their maintenance and repair, including street lights and snow removal.

(g) Jurisdiction over traffic control and traffic control devices.

(h) Provision for any special assessments or special assessment districts within the village, including, but not limited to, street maintenance, street sweeping, and private road service.

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(i) The transfer or termination of public utilities and public services of the village, including, but not limited to, water, sewer, drainage, cable television, street lighting, electric service, and garbage and refuse service.

(j) Regulation or orderly transfer of responsibility for any special districts, including, but not limited to, established historic districts, downtown development districts, tax increment financing districts, and land subject to any land transfer agreements.

(k) Provision for any authorities that the village has established or in which the village is a member.

(l) Findings as to the fiscal impact of dissolution upon the township or townships into which the village is proposed to be disincorporated and the residents of the village, including the estimated revenues gained by the township and losses to each municipality from property taxes and from state revenue sharing and from gas and weight tax revenues distributed by this state to the village and any township into which the village is proposed to be disincorporated.

(m) A process for the resolution of any dispute that may arise over the implementation of the plan, if adopted, and the procedure that a party to any such dispute may utilize for this process.

(3) The disincorporation commission may make findings as to the effect of disincorporation upon collateral matters including, but not limited to, property values, public service levels and costs, and local property tax rates.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

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### 74.23f Disincorporation plan; submission; ratification.

Sec. 23f.

A disincorporation plan adopted under section 23e shall be submitted to the council and to the township board of each affected township. The council and township board or boards may ratify the disincorporation plan. If the council and the township board of each affected township ratify the plan, the question of disincorporation pursuant to the plan shall be placed on the ballot pursuant to section 23g of this chapter. If the council or the township board of each affected township fails to ratify the disincorporation plan, the question of disincorporation shall be submitted to the electorate as described in section 18a of this chapter not more than 1 year after the date the disincorporation was filed under section 18a of this chapter.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.23g Disincorporation plan; approval; ballot; form; special election; failure of commission to adopt plan.

Sec. 23g.

(1) If the disincorporation plan is approved under section 23f of this chapter, the clerk of the disincorporation commission shall prepare and certify to the county clerk of each county where the village is located ballot language describing the proposed disincorporation and that includes the following in substantially the following form:

"Shall the village of _____ be disincorporated pursuant to the plan adopted by the disincorporation commission?

( ) Yes

( ) No".

(2) The clerk of the disincorporation commission shall certify the proposed disincorporation for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election not occurring within 45 days of a state primary or a general election, as specified by the clerk of the disincorporation commission. However, the clerk of the disincorporation commission shall not certify the proposed disincorporation for inclusion on the ballot at either of the following:

(a) An election to be held less than 60 days after the date of certification.

(b) An election to be held more than 1 year after the township clerk verifies the petition signatures and determines that the petition is sufficient under section 18a of this chapter.

(3) If a special election is requested by the clerk of the disincorporation commission, the county clerk of the county in which the greatest number of electors of the village reside shall schedule the election in compliance with section 641 of the Michigan election law, 1954 PA 116, MCL 168.641. The proposal shall be submitted to the qualified and registered electors residing in the village and each township into which the village is proposed to be disincorporated at that election.

(4) If a disincorporation commission fails to adopt a plan under section 23e of this chapter or the clerk of the disincorporation commission does not certify the proposed disincorporation for inclusion on the ballot under this section, the question of disincorporation shall be submitted to the electors as described in section 18a of this chapter not more than 1 year after the date the disincorporation petition was filed under section 18a of this chapter.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998 ;-- Am. 2003, Act 305, Eff. Jan. 1, 2005

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### 74.23h Disincorporation; approval by electors.

Sec. 23h.

(1) The proposed disincorporation is approved by the electors and shall take place pursuant to the plan adopted under section 23e of this chapter only if a majority of each of the following votes cast on the question of the proposed disincorporation are in favor of the disincorporation:

(a) The votes cast by electors of the village.

(b) The votes cast by the electors of each township into which the village is proposed to be disincorporated, counted separately, and excluding votes cast by residents of the village.

(2) Unless the proposed disincorporation is approved as provided in subsection (1), the proposed disincorporation pursuant to a plan adopted under section 23e of this chapter is disapproved by the electors and the village shall not be disincorporated pursuant to the plan.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.23i Filing new petition; limitation.

Sec. 23i.

A new petition shall not be filed under section 18a of this chapter less than 2 years after the election if the disincorporation is disapproved by the electors at an election held pursuant to section 18a or 23g of this chapter.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

### 74.24 Modification of act.

Sec. 24.

A village incorporated under this act may locally modify this act by complying with the provisions governing the amendment of a charter under the home rule village act, 1909 PA 278, MCL 78.1 to 78.28.

**History:** Add. 1998, Act 254, Imd. Eff. July 13, 1998

**74.25 Short title.**

Sec. 25.

This act shall be known and may be cited as "the general law village act".

**History:** Add. 1994, Act 87, Eff. Oct. 1, 1994

## Chapter XV

## ELECTIONS FOR BORROWING MONEY AND ISSUING BONDS; ISSUANCE OF BONDS AND LEVY OF A TAX TO PAY PRINCIPAL AND INTEREST THEREOF.

**75.1-75.12 Repealed. 1974, Act 4, Imd. Eff. Jan. 30, 1974.**

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