

**SUBSTITUTE FOR  
HOUSE BILL NO. 5437**

A bill to amend 1895 PA 3, entitled  
"The general law village act,"  
by amending sections 31 and 34 of chapter VIII, sections 1, 4, 5,  
6, 7, 8, 9, 13, 14, 15, 16, 17, 20, 21, 22, 24, and 25 of chapter  
IX, sections 1, 2, 3, 4, 6, 9, and 11 of chapter X, sections 1,  
2, 5, 6, 8, 9, 10, and 11 of chapter XI, sections 1, 3, 4, 5, 6,  
7, 8, and 9 of chapter XII, sections 1, 2, 3, 4, and 5 of chapter  
XIII, and sections 3, 5, 7, 18a, 19, 20, and 21 of chapter XIV  
(MCL 68.31, 68.34, 69.1, 69.4, 69.5, 69.6, 69.7, 69.8, 69.9,  
69.13, 69.14, 69.15, 69.16, 69.17, 69.20, 69.21, 69.22, 69.24,  
69.25, 70.1, 70.2, 70.3, 70.4, 70.6, 70.9, 70.11, 71.1, 71.2,  
71.5, 71.6, 71.8, 71.9, 71.10, 71.11, 72.1, 72.3, 72.4, 72.5,  
72.6, 72.7, 72.8, 72.9, 73.1, 73.2, 73.3, 73.4, 73.5, 74.3, 74.5,  
74.7, 74.18a, 74.19, 74.20, and 74.21), section 15 of chapter IX  
as amended by 1984 PA 179, sections 1 and 4 of chapter X as

amended by 1985 PA 173, section 5 of chapter XII as amended by 1983 PA 44, and section 18a of chapter XIV as added by 1988 PA 33, and by adding section 7a to chapter IX, sections 13, 14, 15, 16, and 18 to chapter X, sections 12, 13, and 14 to chapter XI, and sections 6a, 18b, 18c, 18d, 18e, 18f, and 23 to chapter XIV; and to repeal acts and parts of acts.

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

1 CHAPTER VIII--IMPROVEMENTS AND ASSESSMENTS.

2 Sec. 31. The council of the village by adopting a resolu-  
3 tion PURSUANT TO SECTION 5 OF CHAPTER V may determine that the  
4 whole or a part of the expense of a local public improvement or  
5 repair shall be defrayed by special assessments upon the property  
6 specially benefited.

7 Sec. 34. ~~-(1) An action may not be instituted for the~~  
8 ~~purpose of contesting or enjoining~~ TO CONTEST the collection of  
9 a special assessment SHALL BE INSTITUTED UNDER THE TAX TRIBUNAL  
10 ACT, 1973 PA 186, MCL 205.701 TO 205.779. ~~-unless:-(a) Within~~  
11 ~~45 days after the confirmation of the special assessment roll,~~  
12 ~~written notice is given to the council indicating an intention to~~  
13 ~~file such an action and stating the grounds on which it is~~  
14 ~~claimed that the assessment is illegal; and (b) the action is~~  
15 ~~commenced within 90 days after the confirmation of the roll.~~

16 ~~-(2) If a portion of an assessment roll is determined to be~~  
17 ~~illegal, in whole or in part, the council may revoke its confir-~~  
18 ~~mation, correct the illegality, if possible, or reconfirm it.~~  
19 ~~Property which is not involved in the illegality may not be~~

HB5437, As Passed House, February 4, 1998

House Bill No. 5437

3

1 ~~assessed more than was imposed upon the original confirmation~~  
2 ~~without further notice and hearing thereon.~~

3 CHAPTER IX--FINANCE AND TAXATION.

4 Sec. 1. (1) ACTIONS TAKEN BY THE COUNCIL UNDER THIS CHAPTER  
5 ARE SUBJECT TO THE VOTING REQUIREMENTS OF SECTION 5 OF CHAPTER  
6 V.

7 (2) The council ~~shall have authority to~~ MAY raise, by gen-  
8 eral tax upon the real and personal property liable to taxation  
9 in ~~said~~ THE village (exclusive of taxes for highway and street  
10 purposes and not otherwise provided for in this act), ~~such~~ A  
11 sum not exceeding in any 1 year ~~1 1/4 of 1 per cent~~ 1-1/4% of  
12 the assessed value of ~~such~~ THAT property, ~~as they shall deem~~  
13 ~~necessary for the purpose of defraying~~ TO DEFRAID the general  
14 expenses and liabilities of the ~~corporation~~ VILLAGE, and to  
15 carry into effect the powers in this act granted. The ~~moneys~~  
16 MONEY so raised ~~shall constitute~~ CONSTITUTES a "general fund  
17 ~~—~~".

18 Sec. 4. The council may for the purpose of purchasing  
19 grounds for a cemetery, raise by general tax a sum not exceeding  
20 in any 1 year, 1/4 of ~~1 per cent~~ 1% of the ~~assessed~~ TAXABLE  
21 value of the property in the village. ~~∴ Provided, That the~~  
22 ~~whole amount which~~ HOWEVER, THE TOTAL SUM THAT may be ~~so~~  
23 raised for the purchase of grounds for ~~such~~ THAT purpose ~~,~~  
24 shall not at any time exceed ~~5,000 dollars~~ \$5,000.00. The  
25 council may, for the purpose of maintaining the cemetery, raise  
26 by general tax a sum not exceeding in any 1 year 1/10 of ~~1 per~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

4

1 ~~cent~~ 1% of the ~~assessed~~ TAXABLE value of the property in the  
2 village.

3       Sec. 5. The council may ~~raise~~ by special assessment upon  
4 THE lands ~~in sewer districts and special assessment districts,~~  
5 ~~for the purpose of defraying the cost and expense of grading,~~  
6 ~~paving, planking, and graveling streets, and for constructing~~  
7 ~~drains and sewers, and for making other local improvements,~~  
8 ~~charged upon the lands in the district in proportion to frontage~~  
9 ~~or benefits, such sums as they shall deem necessary to defray the~~  
10 ~~costs of such improvements. Moneys~~ BENEFITED DEFRAY THE EXPENSE  
11 OF CONSTRUCTING AND MAINTAINING STREETS, SIDEWALKS, CURBS, GUT-  
12 TERS, LIGHTING, DRAINS, WATER MAINS, SANITARY AND STORM WATER  
13 SEWER SYSTEMS AND SEWAGE TREATMENT PLANTS, AND OTHER LOCAL  
14 IMPROVEMENTS AUTHORIZED BY LAW. MONEY raised by special assess-  
15 ments to ~~pay the cost~~ DEFRAY THE EXPENSE of any such local  
16 improvement shall be held as a special fund to pay ~~such cost~~  
17 ~~and~~ THE expense, or to repay ~~moneys~~ MONEY borrowed ~~therefor~~  
18 FOR THE IMPROVEMENT.

19       Sec. 6. The council shall raise annually by taxation an  
20 amount such that the estimated collections ~~therefrom~~ will be  
21 sufficient to promptly pay when due the interest, that portion of  
22 the principal, and the required sinking fund deposits on the out-  
23 standing bonds or other evidences of indebtedness, or assessments  
24 or contract obligations in anticipation of which bonds were  
25 issued, falling due prior to the time of the following year's tax  
26 collections. ~~which~~ THE tax shall be without limitation as to  
27 rate or amount and in addition to any other tax the village may

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

5

1 levy but shall not be in excess of the rate or amount necessary  
2 to pay the principal and interest or assessments or contract  
3 obligations. If at the time of making an annual tax levy, sur-  
4 ~~plus moneys are~~ MONEY IS on hand for the payment of principal  
5 or interest and provision for ~~the disposition thereof~~ OF THE  
6 MONEY was not made, then credit ~~therefor~~ FOR THE SURPLUS may be  
7 taken ~~upon the moneys~~ AGAINST THE AMOUNT TO BE RAISED for prin-  
8 cipal or interest as the case may be. The money so raised shall  
9 be used solely for the purpose stated in this section.

10       Sec. 7. Within 2 weeks after an annual village election FOR  
11 MEMBERS OF THE COUNCIL, the council shall audit and settle the  
12 accounts of the treasurer and other officers of the village, and  
13 so far as practicable, of all persons having claims against the  
14 village. ~~, and shall make out a statement in detail of the~~  
15 ~~receipts and expenditures of the corporation during the preceding~~  
16 ~~year, which statement shall distinctly show the amount of all~~  
17 ~~taxes raised during the year for all purposes, and the amount~~  
18 ~~raised for each fund; the amount levied by special assessment,~~  
19 ~~and the amount collected on each; and the items and amounts~~  
20 ~~received from all other sources during the year, the items of all~~  
21 ~~expenditures made during the year, and the objects thereof, clas-~~  
22 ~~sifying the same for each purpose separately, and containing~~  
23 ~~other information as shall be necessary to a full understanding~~  
24 ~~of the financial concerns of the village. The statement, signed~~  
25 ~~by the president and clerk, shall be filed in the office of the~~  
26 ~~clerk, and a copy of the statement shall be published in a~~  
27 ~~newspaper circulated in the village not less than 7 days before~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

6

1 ~~the next annual village election.~~ THE COUNCIL SHALL PREPARE A  
2 STATEMENT SUMMARIZING THE RESULTS OF THE AUDIT.

3 SEC. 7A. THE FISCAL YEAR OF A VILLAGE SHALL COMMENCE ON  
4 MARCH 1 OF EACH YEAR. THE COUNCIL MAY BY ORDINANCE ADOPT ANOTHER  
5 DATE FOR THE COMMENCEMENT OF THE VILLAGE'S FISCAL YEAR. THE  
6 FISCAL YEAR OF ANY VILLAGE SUBJECT TO THIS ACT THAT COMMENCES ON  
7 A DATE OTHER THAN MARCH 1 ON THE EFFECTIVE DATE OF THE AMENDATORY  
8 ACT THAT ADDED THIS SECTION IS HEREBY RATIFIED AND SHALL CONTINUE  
9 UNTIL CHANGED OR MODIFIED PURSUANT TO THIS SECTION.

10 Sec. 8. The ~~assessor of every~~ TREASURER OF A village  
11 subject to ~~the provisions of~~ this act shall, in each year, at  
12 and within the same time as required by the general laws of this  
13 state for the assessment of property in the townships of this  
14 state, make an assessment roll containing a description of all  
15 the real property and the aggregate amount of all the personal  
16 property liable under the laws of the state to taxation in the  
17 village, and the name of the owner, agent, or OTHER person liable  
18 to pay taxes. ~~therein if known, and the names of all persons~~  
19 ~~liable to pay poll tax in the village, and~~ THE TREASURER shall  
20 ~~set down in such~~ RECORD ON THE roll the valuation of such prop-  
21 erty, at its value, as determined by the assessor of the township  
22 ~~wherein~~ WHERE the property is located, placing the value of the  
23 real and personal property in separate columns. ~~and in so~~  
24 ~~doing he~~ IN FULFILLING THE REQUIREMENTS OF THIS SECTION, THE  
25 TREASURER shall conform to and be governed by the ~~provisions of~~  
26 law governing supervisors of townships performing like services,  
27 unless otherwise in this act provided. ~~Provided, That~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

7

1 ~~whenever~~ HOWEVER, IF in any year it ~~shall not be~~ IS NOT  
2 necessary to raise any money by taxation in ~~any~~ A village, the  
3 council of ~~such~~ THE village may so determine by resolution, and  
4 ~~when so determined by the council they~~ shall certify ~~such~~ THE  
5 determination to the ~~assessor, and such assessor~~ TREASURER.  
6 THE TREASURER shall not make any assessment roll of property in  
7 ~~such~~ THE village for ~~such~~ THAT year.

8       Sec. 9. The board of review of the township ~~wherein the~~  
9 ~~properties of~~ WHERE the village ~~are~~ IS located ~~,~~ shall  
10 review the assessment roll in the same manner, at the same time  
11 and place, and pursuant to the same processes as provided in sec-  
12 tions 28 to 33 of ~~Act No. 206 of the Public Acts of 1893, as~~  
13 ~~amended, being sections 211.28 to 211.33 of the Compiled Laws of~~  
14 ~~1948~~ THE GENERAL PROPERTY TAX ACT, 1893 PA 206, MCL 211.28 TO  
15 211.33.

16       Sec. 13. The council, after an examination of the assess-  
17 ment roll, shall certify ~~the same~~ to the ~~assessor~~ TREASURER  
18 THE ASSESSMENT ROLL, together with the amount which they require  
19 to be raised by general tax, for highway and other general pur-  
20 poses ~~+~~ and all amounts of special assessments which they  
21 require to be reassessed upon any lands ~~,~~ OR premises ~~,~~ ~~or~~  
22 ~~against any person,~~ with a particular description of the lands  
23 and property to be reassessed, and the amounts to be reassessed  
24 upon each parcel of land, and the name or names, so far as known,  
25 of the persons chargeable with ~~such tax, which certificate,~~ THE  
26 TAXES AND ASSESSMENTS. THE CERTIFICATE SHALL BE endorsed upon or

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

8

1 annexed to the roll ~~, shall be~~ AND signed by the president and  
2 clerk.

3       Sec. 14. Upon receiving the assessment roll, with the cer-  
4 tificate of the several amounts to be raised, ~~thereon,~~ as pro-  
5 vided in ~~the preceding~~ section 13 OF THIS CHAPTER, the  
6 ~~assessor~~ TREASURER shall ~~proceed to~~ estimate, apportion, and  
7 set down in columns opposite to the several valuations of real  
8 and personal property on the roll, in proportion to the individ-  
9 ual and particular estimates and valuations, the respective sums  
10 in dollars and cents, apportionable to each; placing the general  
11 fund taxes and all general taxes, except those for highway pur-  
12 poses, in 1 column; the general highway taxes in another column;  
13 the street district taxes, if any, in a third column; all special  
14 assessment taxes in a fourth column; ~~and shall also set down in~~  
15 ~~another column on the roll 1 dollar opposite the name of every~~  
16 ~~person liable to pay a poll-tax in the village;~~ and the total of  
17 all taxes assessed to each valuation ~~shall be carried into~~ IN  
18 the last column of the roll. The ~~assessor~~ TREASURER shall also  
19 foot up the amounts carried to the last column, ~~as aforesaid,~~  
20 and certify upon the roll the aggregate amounts of the taxes  
21 levied. ~~therein.~~

22       Sec. 15. ~~After extending the taxes as provided in this~~  
23 ~~act, and not later than the first day of July, the assessor shall~~  
24 ~~cause the assessment roll, certified under his or her hand, to be~~  
25 ~~delivered to the treasurer, with the~~ THE warrant of the presi-  
26 dent of the village SHALL BE annexed to the roll, directing and  
27 requiring ~~him or her~~ THE TREASURER to collect from the persons



**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

9

1 named in the roll the sums mentioned opposite their respective  
2 names, as a tax or assessment, and authorizing him or her, in  
3 case any person named on the roll shall neglect or refuse to pay  
4 the sums, to ~~levy the same by distress and sale of his, her, or~~  
5 ~~their goods and chattels, together with the costs and charges of~~  
6 ~~the distress and sale, and directing him or her~~ COLLECT THE  
7 SUMS, TOGETHER WITH FEES AND CHARGES, IN THE MANNER PROVIDED IN  
8 SECTION 17 OF THIS CHAPTER. THE WARRANT SHALL DIRECT THE  
9 TREASURER to collect all taxes by a certain day as determined  
10 under section 18 of this chapter. The president may renew the  
11 warrant from time to time, by order of the council, and for a  
12 time as the council shall direct, except that the time shall not  
13 be extended later than the last day of February of the year fol-  
14 lowing the levy of the village taxes.

15       Sec. 16. Immediately upon receiving the tax roll, with the  
16 warrant ~~thereto~~ annexed, as provided in section 15 OF THIS  
17 CHAPTER, the treasurer shall proceed to collect the taxes levied  
18 ~~therein~~ according to the direction of ~~said~~ THE warrant,  
19 together with ~~such percentage thereon for collection fees as~~  
20 ~~shall be authorized by the council~~ THE FEES AUTHORIZED BY LAW.

21       Sec. 17. ~~In case any person shall neglect or refuse to pay~~  
22 ~~any~~ IF A PERSON, INCLUDING A FIRM OR CORPORATION, DOES NOT PAY A  
23 tax imposed upon ~~any~~ real or personal property belonging to  
24 ~~him, as aforesaid~~ THAT PERSON, the treasurer shall ~~levy the~~  
25 ~~same by distress and sale of the goods and chattels of the said~~  
26 ~~person liable to pay the same, wherever such goods and chattels~~  
27 ~~may be found, either in said village or elsewhere in the county~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

10

1 ~~where such village is located, or in any adjoining county, first~~  
2 ~~giving public notice of such sale in the manner and for the time~~  
3 ~~required by law in case of such sales made by township treasur-~~  
4 ~~ers, and for such purpose and for the collection of the taxes~~  
5 ~~aforsaid, the treasurer may bring suit therefor, and~~ COLLECT  
6 THE TAX BY SEIZING THE PERSONAL PROPERTY OF THAT PERSON LOCATED  
7 IN THIS STATE IN AN AMOUNT SUFFICIENT TO PAY THE TAX, THE FEES,  
8 AND CHARGES FOR SUBSEQUENT SALE OF THE PROPERTY. NO PROPERTY OF  
9 THE PERSON SHALL BE EXEMPT FROM SUCH SEIZURE. THE TREASURER  
10 SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 47 OF THE GENERAL  
11 PROPERTY TAX ACT, 1893 PA 206, MCL 211.47. THE TREASURER shall  
12 have ~~all~~ the SAME powers and perform the ~~like~~ SAME duties, so  
13 far as applicable, as ~~are conferred upon or required of~~ town-  
14 ship treasurers, in the collection of taxes levied in townships.  
15       Sec. 20. ~~Whenever~~ IF the treasurer ~~shall be~~ IS unable  
16 to collect ~~any~~ A tax assessed upon personal property in the  
17 village, ~~it shall be lawful for~~ the treasurer of the village  
18 ~~to bring suit~~ MAY BRING AN ACTION, in the name of the village,  
19 for the recovery ~~thereof~~ OF THE TAX, against ~~the person or~~  
20 ANY persons against whom the tax was assessed, before ~~any~~ A  
21 court of competent jurisdiction, and ~~to~~ take and use all lawful  
22 means provided by law for the collection of debts to enforce the  
23 payment of ~~such tax; and in~~ THE TAX. IN such cases, ~~all~~ the  
24 provisions of law applicable to suits and the evidence therein,  
25 brought by township treasurers in the name of their township for  
26 such purposes, ~~shall~~ apply. THE COURT MAY ORDER THE PERSON OR  
27 PERSONS ASSESSED THE PERSONAL PROPERTY TAX TO PAY THE AMOUNTS

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

11

1 AUTHORIZED UNDER SECTION 47 OF THE GENERAL PROPERTY TAX ACT, 1893  
2 PA 206, MCL 211.47.

3       Sec. 21. ~~The council may borrow, in any year, in anticipa-~~  
4 ~~tion of the collection of taxes subject to Act No. 202 of the~~  
5 ~~Public Acts of 1943, as amended, being sections 131.1 to 138.2 of~~  
6 ~~the Michigan Compiled Laws, such sums as it deems necessary~~  
7 SUBJECT TO THE MUNICIPAL FINANCE ACT, 1943 PA 202, MCL 131.1 TO  
8 139.3, THE COUNCIL MAY BORROW MONEY, and give notes of the  
9 village, ~~therefor~~ IN ANTICIPATION OF 1 OR MORE OF THE

10 FOLLOWING:

11       (A) THE RECEIPT OF REVENUE SHARING PAYMENTS UNDER THE STATE  
12 REVENUE SHARING ACT OF 1971, 1971 PA 140, MCL 141.901 TO  
13 141.921.

14       (B) THE COLLECTION OF TAXES.

15       Sec. 22. (1) Should any greater amount be required in any  
16 year for any lawful purpose than can OTHERWISE be raised by the  
17 council under ~~the foregoing provisions of~~ this chapter, ~~such~~  
18 THE amount may be raised by tax or loan, or partly by tax and  
19 partly by loan. ~~The amount that may be voted or raised, by tax,~~  
20 ~~if~~ IF approved by a majority vote of the electors at an annual  
21 or special village election, THE COUNCIL MAY LEVY A TAX WHICH, in  
22 any year, ~~under the provisions of this section,~~ shall not  
23 exceed 2% of the assessed valuation of the real and personal  
24 property within the village, as shown by the last preceding  
25 assessment roll of the village.

26       (2) The amount of indebtedness incurred by the issue of  
27 bonds or otherwise, including existing indebtedness, ~~may~~ SHALL

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

12

1 not exceed 10% of the assessed valuation of the real and personal  
2 property within the village subject to taxation as shown by the  
3 last preceding assessment roll of the village. Bonds issued in  
4 anticipation of the collection of special assessments even though  
5 the bonds are a general obligation of the village, motor vehicle  
6 highway fund bonds even though they are a general obligation of  
7 the village, revenue bonds, or bonds issued or contract or  
8 assessment obligations incurred to comply with an order of the  
9 ~~water resources commission~~ DEPARTMENT OF ENVIRONMENTAL QUALITY  
10 or a court of competent jurisdiction, even though they are a gen-  
11 eral obligation of the village and bonds issued or contract or  
12 assessment obligations incurred for water supply, sewage, drain-  
13 age, or refuse disposal necessary to protect the public health by  
14 abating pollution even though they are a general obligation of  
15 the village, are not included in this limitation. ~~Moneys~~ MONEY  
16 on hand in a sinking fund limited to the payment of indebtedness  
17 may be treated as a reduction of the indebtedness to that  
18 extent. In case of fire, flood, or other calamity requiring an  
19 emergency fund for the relief of the inhabitants of the village,  
20 or for the repairing or rebuilding of any of its municipal build-  
21 ings, works, bridges, or streets, the ~~governing body of the~~  
22 ~~village~~ COUNCIL may borrow money due in not more than 3 years  
23 and in an amount not exceeding 1/4 of 1% of the ~~assessed~~  
24 TAXABLE valuation of the village, notwithstanding that the loan  
25 may increase the indebtedness of the village beyond the limita-  
26 tions fixed by ~~its charter or in this act.~~ ~~When~~ THIS SECTION.  
27 IF a village is authorized to acquire or operate a public

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

13

1 utility, the village may issue mortgage bonds therefor beyond the  
2 general limit of bonded indebtedness prescribed by ~~law~~ THIS  
3 SECTION. The mortgage bonds issued beyond the limit of general  
4 indebtedness prescribed by ~~law~~ THIS SECTION shall not impose  
5 any liability upon the village, but shall be secured only upon  
6 the property and revenues of the public utility, including its  
7 franchise, stating the terms upon which, in case of foreclosure,  
8 the purchaser may operate the ~~same~~ PUBLIC UTILITY; which fran-  
9 chise shall not extend for a period of more than 20 years from  
10 the date of the sale of the utility and franchise on  
11 foreclosure. All bonds ~~heretofore~~ issued, or contract or  
12 assessment obligations ~~heretofore~~ incurred, BEFORE JANUARY 30,  
13 1974 are ~~hereby~~ validated.

14       Sec. 24. ~~No money shall be drawn~~ DISBURSEMENTS MAY BE  
15 MADE from the treasury ~~except in pursuance of the authority and~~  
16 UNDER EITHER OF THE FOLLOWING PROCEDURES:

17       (A) UPON appropriation ~~of~~ BY the council ~~,~~ and ~~upon~~  
18 the warrant of the clerk, countersigned by the president. ~~Such~~  
19 THE warrant shall specify the fund from which ~~it~~ THE MONEY is  
20 payable, and shall be paid from no other fund. ~~No~~ A warrant  
21 shall NOT be drawn upon the treasury after the fund from which it  
22 should be paid has been exhausted, ~~. Any~~ AND such A warrant  
23 ~~shall be~~ IS void. ~~as against the village.~~

24       (B) PURSUANT TO AN ORDINANCE OR RESOLUTION UNDER SECTION 5  
25 OF CHAPTER V.

26       Sec. 25. A loan may not be made by the council or by its  
27 authority in any year, exceeding the amounts prescribed in this

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

14

1 act. For a loan lawfully made, the bonds of the village may be  
2 issued subject to ~~Act No. 202 of the Public Acts of 1943, as~~  
3 ~~amended, bearing a rate of interest not exceeding~~ THE MUNICIPAL  
4 FINANCE ACT, 1943 PA 202, MCL 131.1 TO 139.3. INTEREST ON THE  
5 BONDS SHALL NOT EXCEED the maximum rate permitted by ~~Act No. 202~~  
6 ~~of the Public Acts of 1943, as amended~~ THE MUNICIPAL FINANCE  
7 ACT, 1943 PA 202, MCL 131.1 TO 139.3. The bonds shall be exe-  
8 cuted in the manner ~~as~~ DIRECTED BY the council. ~~directs.~~  
9 Bonds ~~heretofore~~ issued or indebtedness ~~heretofore~~ incurred  
10 by a village BEFORE JANUARY 30, 1974 are ~~hereby~~ validated.

11 CHAPTER X--FIRES AND FIRE DEPARTMENT, POLICE DEPARTMENT.

12 Sec. 1. The council may ~~enact such ordinances and estab-~~  
13 ~~lish and enforce such regulations as the council considers neces-~~  
14 ~~sary to guard against the occurrence of fires and to protect the~~  
15 ~~property and persons of the citizens against damage and accident~~  
16 ~~resulting from fires, and for this purpose to~~ ADOPT ORDINANCES  
17 AND REGULATIONS TO PROTECT AGAINST FIRES AND MAY establish and  
18 maintain a fire department and organize and maintain fire  
19 companies. Unless otherwise provided in an ordinance adopted  
20 under section 8 of chapter V THAT DELEGATES THE AUTHORITY TO THE  
21 FIRE CHIEF, the council may employ and appoint fire fighters; and  
22 make and establish rules and regulations for the government of  
23 the department, the employees, fire fighters, and officers of the  
24 department; and for the care and management of the ~~engines,~~  
25 ~~apparatus~~ VEHICLES, EQUIPMENT, property, and buildings  
26 ~~pertaining to~~ OF the department. FIRE FIGHTERS SHALL COMPLY

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

15

1 WITH THE FIRE FIGHTERS TRAINING COUNCIL ACT OF 1966, 1966 PA 291,  
2 MCL 29.361 TO 29.377.

3       Sec. 2. The council may purchase and provide suitable ~~fire~~  
4 ~~engines and apparatus~~ VEHICLES AND EQUIPMENT for the extinguish-  
5 ment of fires; ~~and may sink wells and construct cisterns and~~  
6 ~~reservoirs in the streets, public grounds and other suitable~~  
7 ~~places in the village, and make all necessary provisions~~ AND  
8 PROVIDE for a convenient supply of water for the use of the FIRE  
9 department.

10       Sec. 3. The council may also provide or erect all necessary  
11 buildings for keeping the ~~engines, carriages, teams and fire~~  
12 ~~apparatus~~ VEHICLES AND EQUIPMENT of the FIRE department.

13       Sec. 4. The council may provide by ordinance or resolution  
14 for the appointment of a chief of the fire department, who shall  
15 be subject to the direction of the president and the regulations  
16 of the council. The chief of the fire department shall supervise  
17 and direct the department, and the care and management of the  
18 ~~fire engines, apparatus~~ VEHICLES, EQUIPMENT, and property OF  
19 THE DEPARTMENT. This section is subject to an ordinance adopted  
20 under section 8 of chapter V.

21       Sec. 6. (1) THE COUNCIL MAY PROVIDE BY ORDINANCE FOR THE  
22 STORAGE AND HANDLING OF COMBUSTIBLE, EXPLOSIVE, OR OTHER HAZARD-  
23 OUS SUBSTANCES.

24       (2) THE COUNCIL MAY PROVIDE BY ORDINANCE FOR THE PREVENTION  
25 AND SUPPRESSION OF FIRES. THE ORDINANCE MAY PRESCRIBE, BUT NEED  
26 NOT BE LIMITED TO, THE MANNER OF CONSTRUCTION OF BUILDINGS AND

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

16

1 OTHER STRUCTURES WITHIN THE VILLAGE OR CERTAIN DISTRICTS OF THE  
2 VILLAGE.

3       (3) The council may provide by ordinance for the appointment  
4 of FIRE INSPECTORS, and may appoint ~~such number of fire wardens~~  
5 ~~as may be deemed necessary; and~~ FIRE INSPECTORS. THE ORDINANCE  
6 MAY PROVIDE for the PERIODIC examination by ~~them from time to~~  
7 ~~time,~~ THE FIRE INSPECTORS of the stoves, furnaces, and heating  
8 apparatus and devices in all dwellings, buildings, and structures  
9 within the village, and in all places where combustible or explo-  
10 sive substances are kept, and ~~to cause all such as are unsafe~~  
11 ~~with respect to fire,~~ AUTHORIZE FIRE INSPECTORS TO REQUIRE  
12 STOVES, FURNACES, AND HEATING APPARATUS AND DEVICES THAT POSE A  
13 FIRE HAZARD to be put in a safe condition.

14       (4) THE AUTHORITY GRANTED UNDER THIS SECTION IS SUBJECT TO  
15 STATE AND FEDERAL LAW.

16       Sec. 9. Every building or structure ~~which may be~~ erected,  
17 placed, enlarged, or kept, in violation of any ordinance or regu-  
18 lation lawfully made for the prevention of fires, is ~~hereby~~  
19 ~~declared to be~~ a nuisance, and may be abated or removed by the  
20 direction of the council UNDER PROCEDURES SET FORTH IN AN ORDI-  
21 NANCE ADOPTED FOR THAT PURPOSE.

22       Sec. 11. (1) The chief in charge of the department at any  
23 fire, with the concurrence of the president or any 2 trustees,  
24 may cause any building to be pulled down or destroyed ~~, when~~  
25 ~~deemed necessary in order~~ to arrest the progress of the fire.  
26 ~~Whenever any~~



**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

17

1       (2) IF A building is so pulled down or destroyed, ~~any~~ A  
2 person having an interest in ~~such~~ THE building may present  
3 ~~his~~ A claim for damages to the council of ~~such~~ THE village.  
4 ~~, and it shall thereupon be the duty of the council to pay such~~  
5 THE COUNCIL SHALL PAY THE claimant ~~such~~ damages as may be just  
6 under all the circumstances, taking into consideration ~~the fact~~  
7 whether or not such loss would probably have occurred to ~~such~~  
8 THE building EVEN if it had not been pulled down or destroyed,  
9 and whether the ~~same~~ BUILDING was insured or not.

10       (3) If the council and ~~such~~ THE claimant ~~shall not be~~  
11 ARE NOT able to agree upon the amount of damages to be paid,  
12 ~~such claimant,~~ then the amount of ~~such~~ damages shall be  
13 ascertained by the appraisal of a jury to be selected in the same  
14 manner as in cases of a jury to appraise damages for taking pri-  
15 vate property for public use. ~~Such~~ THE jury may visit the  
16 premises and may hear all the proofs in the case, and shall allow  
17 ~~such~~ THE claimant ~~such~~ THE amount of damages as they may  
18 ~~deem~~ CONSIDER proper under ~~all the circumstances, as above~~  
19 ~~stated. If such jury shall not be~~ THE STANDARD SET FORTH IN  
20 SUBSECTION (2).

21       (4) IF THE JURY IS NOT able to agree, a new jury shall be  
22 empaneled as ~~above~~ provided IN SUBSECTION (3) until a jury ~~has~~  
23 ~~been~~ IS obtained that ~~shall~~ DOES agree. ~~, and the~~

24       (5) THE council shall pay such claimant the amount of dam-  
25 ages fixed by ~~such~~ A jury UNDER SUBSECTION (3) OR (4). ~~There~~  
26 ~~shall be no appeal from the verdict of such jury either by the~~  
27 ~~village or any claimant.~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

18

1        SEC. 13. (1) THE COUNCIL MAY ESTABLISH A POLICE FORCE, AND  
2 MAY AUTHORIZE THE PRESIDENT TO APPOINT, WITH THE CONSENT OF THE  
3 COUNCIL, THE NUMBER OF POLICE OFFICERS AND OTHER PERSONNEL THAT  
4 THE COUNCIL CONSIDERS EXPEDIENT FOR THE GOOD GOVERNMENT OF THE  
5 VILLAGE AND PROTECTION OF PERSONS AND PROPERTY. THE COUNCIL BY  
6 ORDINANCE MAY DELEGATE AUTHORITY TO THE POLICE CHIEF TO EMPLOY  
7 POLICE OFFICERS AND OTHER PERSONNEL. THIS SUBSECTION IS SUBJECT  
8 TO AN ORDINANCE ADOPTED UNDER SECTION 8 OF CHAPTER V.

9        (2) THE POLICE FORCE SHALL COMPLY WITH THE MINIMUM EMPLOY-  
10 MENT STANDARDS FOR LAW ENFORCEMENT OFFICERS PUBLISHED BY THE LAW  
11 ENFORCEMENT COUNCIL UNDER THE MICHIGAN LAW ENFORCEMENT OFFICERS  
12 TRAINING COUNCIL ACT OF 1965, 1965 PA 203, MCL 26.601 TO 26.616.

13        SEC. 14. THE COUNCIL SHALL ADOPT RULES FOR THE GOVERNMENT  
14 OF THE POLICE, PRESCRIBE THE POWERS AND DUTIES OF POLICE OFFICERS  
15 AND OTHER PERSONNEL, AND INVEST THEM WITH AUTHORITY NECESSARY FOR  
16 THE PRESERVATION OF QUIET AND GOOD ORDER IN THE VILLAGE. THE  
17 POLICE SHALL SUPPRESS RIOTS, DISTURBANCES, AND BREACHES OF THE  
18 PEACE; ARREST ANY PERSON FLEEING FROM JUSTICE; APPREHEND UPON  
19 VIEW ANY PERSON FOUND VIOLATING A STATE LAW OR VILLAGE ORDINANCE  
20 IN A MANNER INVOLVING A BREACH OF THE PEACE AND, UNLESS THE VIO-  
21 LATION CONSTITUTES A CIVIL INFRACTION, TAKE THE OFFENDER BEFORE  
22 THE PROPER MAGISTRATE OR OFFICER, TO BE PUNISHED; MAKE COMPLAINTS  
23 BEFORE THE PROPER MAGISTRATE OF ANY PERSON KNOWN OR BELIEVED BY  
24 THE POLICE TO HAVE VIOLATED A STATE LAW OR VILLAGE ORDINANCE;  
25 SERVE PROCESS THAT MAY BE DELIVERED TO THE POLICE FOR THAT PUR-  
26 POSE; AND GENERALLY PERFORM DUTIES REQUIRED BY THE COUNCIL FOR  
27 THE GOOD GOVERNMENT OF THE VILLAGE.

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

19

1        SEC. 15. THE PRESIDENT MAY NOMINATE AND THE COUNCIL MAY  
2 APPOINT A CHIEF OF POLICE OF THE VILLAGE. THE POLICE CHIEF SHALL  
3 SERVE AT THE PLEASURE OF THE COUNCIL, UNLESS THE COUNCIL HAS  
4 AGREED TO SOME OTHER CONDITION OF APPOINTMENT, AND IS SUBJECT TO  
5 THE DIRECTION OF THE PRESIDENT AND COUNCIL, OR, IF PROVIDED BY  
6 ORDINANCE ADOPTED UNDER SECTION 8 OF CHAPTER V, THE VILLAGE  
7 MANAGER. THE POLICE CHIEF SHALL SEE THAT ALL THE ORDINANCES AND  
8 REGULATIONS OF THE COUNCIL, MADE FOR THE PRESERVATION OF QUIET,  
9 AND GOOD ORDER, AND THE PROTECTION OF PERSONS AND PROPERTY, ARE  
10 PROMPTLY ENFORCED.

11        SEC. 16. (1) A POLICE OFFICER OF THE VILLAGE, WITHIN THE  
12 VILLAGE, IS VESTED WITH ALL THE POWERS CONFERRED UPON SHERIFFS  
13 FOR THE PRESERVATION OF QUIET AND GOOD ORDER AND HAS THE POWER TO  
14 SERVE AND EXECUTE ALL PROCESS DIRECTED OR DELIVERED TO THE POLICE  
15 CHIEF, IN ALL PROCEEDINGS FOR VIOLATIONS OF THE ORDINANCES OF THE  
16 VILLAGE.

17        (2) A POLICE OFFICER OF A VILLAGE HAS THE SAME AUTHORITY  
18 WITHIN THE VILLAGE AS A DEPUTY SHERIFF TO EXECUTE A BENCH WARRANT  
19 FOR ARREST ISSUED BY A COURT OF RECORD OR A MUNICIPAL COURT.

20        SEC. 18. (1) THE COUNCIL MAY BY ORDINANCE CREATE A DEPART-  
21 MENT OF PUBLIC SAFETY AND DELEGATE TO IT ALL THE POWER, AUTHORI-  
22 TY, AND DUTIES WHICH MAY BE EXERCISED BY A FIRE DEPARTMENT OR A  
23 POLICE DEPARTMENT OR BOTH. IF THE ORDINANCE PROVIDES FOR THE  
24 COMBINATION OF EXISTING POLICE AND FIRE ENTITIES, IT SHALL PRO-  
25 VIDE FOR A RIGHT OF REFERENDUM AND BECOME EFFECTIVE AS PROVIDED  
26 IN SECTION 1(4) OF CHAPTER II.

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

20

1       (2) THE DEPARTMENT OF PUBLIC SAFETY SHALL BE HEADED BY THE  
2 DIRECTOR OF PUBLIC SAFETY, WHO SHALL BE THE COMMANDING OFFICER OF  
3 THE DEPARTMENT. THE PRESIDENT SHALL NOMINATE AND THE COUNCIL  
4 APPOINT THE DIRECTOR OF PUBLIC SAFETY. THE DIRECTOR OF PUBLIC  
5 SAFETY IS SUBJECT TO THE DIRECTION OF THE PRESIDENT AND COUNCIL,  
6 OR, IF PROVIDED BY ORDINANCE ADOPTED UNDER SECTION 8 OF CHAPTER  
7 V, THE VILLAGE MANAGER.

8       (3) IF AUTHORIZED BY ORDINANCE, THE DIRECTOR OF PUBLIC  
9 SAFETY MAY EMPLOY PUBLIC SAFETY OFFICERS AND OTHER PERSONNEL.  
10 THE DIRECTOR OF PUBLIC SAFETY SHALL DIRECT THE POLICE AND FIRE  
11 WORK OF THE VILLAGE AND BE RESPONSIBLE FOR THE ENFORCEMENT OF LAW  
12 AND ORDER, THE PROTECTION OF LIFE AND PROPERTY AGAINST FIRE, AND  
13 THE PERFORMANCE OF OTHER PUBLIC SERVICES OF AN EMERGENCY NATURE  
14 ASSIGNED TO THE DEPARTMENT OF PUBLIC SAFETY.

15       (4) IF A DEPARTMENT OF PUBLIC SAFETY IS ESTABLISHED, A REF-  
16ERENCE TO THE CHIEF OF POLICE OR THE CHIEF OF THE FIRE DEPARTMENT  
17CONTAINED IN A STATE STATUTE OR VILLAGE ORDINANCE SHALL BE CON-  
18SIDERED TO REFER TO THE DIRECTOR OF PUBLIC SAFETY.

19       (5) THE COUNCIL MAY STRUCTURE THE DEPARTMENT OF PUBLIC  
20 SAFETY SO THAT SEPARATE POLICE AND FIRE ENTITIES MAY BE  
21 CONTINUED.

22                                   CHAPTER XI--WATER WORKS.

23       Sec. 1. Any village ~~having a resident population of 200 or~~  
24 ~~over shall have authority to~~ MAY purchase or construct and MAY  
25 maintain water works TO PROVIDE THE VILLAGE WITH PURE WATER.  
26 ~~for the introduction of water into the village and supplying the~~  
27 ~~village and inhabitants thereof with pure and wholesome water,~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

21

~~1 for the extinguishment of fires, the ordinary and extraordinary  
2 uses of the inhabitants thereof and for such other purposes as  
3 the council may prescribe; and may also construct and maintain a  
4 filtration plant for the purification of the water supply of the  
5 village.~~

6       Sec. 2. The village may acquire, purchase, erect, and  
7 maintain ~~such~~ THE reservoirs, canals, ~~acqueducts~~ AQUEDUCTS,  
8 sluices, buildings, engines, water wheels, pumps, hydraulic  
9 machines, distributing pipes, and other apparatus, appurtenances,  
10 and machinery, and may acquire, purchase, appropriate, and own  
11 such grounds, real estate, rights, and privileges ~~as may be~~  
12 THAT ARE necessary and proper for ~~the~~ securing, constructing,  
13 rebuilding, repairing, extending, and maintenance ~~of such~~ THOSE  
14 water works or filtration plants.

15       Sec. 5. The connecting or supplying pipes, leading from  
16 buildings or yards to the distributing pipes, shall be inserted  
17 and kept in repair at the expense of the owner or occupant of the  
18 building or yard, and shall not be ~~inserted or~~ connected with  
19 the main pipe until a permit ~~therefor shall be~~ IS obtained from  
20 the ~~council~~ VILLAGE. ~~All such connecting~~ CONNECTING or  
21 supply pipes shall be constructed and connected in the manner  
22 prescribed by ordinance.

23       Sec. 6. The council shall establish ~~a scale of~~ JUST AND  
24 EQUITABLE WATER rates to be charged and paid for WATER supply.  
25 ~~of water, to be called water rates, and which rates shall be~~  
26 ~~appropriate to different classes of buildings in the village,~~  
27 ~~with reference to their dimension, value, exposure to fires,~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

22

1 ~~ordinary or extraordinary uses for dwellings, stores, shops,~~  
2 ~~hotels, factories, livery stables, barns, and all other build-~~  
3 ~~ings, establishments and trades, yards, number of families or~~  
4 ~~occupants or consumption of water, as near as may be practicable,~~  
5 ~~and from time to time,~~ THE COUNCIL SHALL PERIODICALLY either  
6 modify, amend, increase, or diminish ~~such~~ THE WATER rates. ~~→~~  
7 ~~and the~~ THE council may prescribe by ordinance ~~→~~ when and to  
8 whom such water rates shall be paid, and what steps shall be  
9 taken to enforce payment ~~thereof~~ OF THE WATER RATES, INCLUDING  
10 BUT NOT LIMITED TO NOTICE TO PERSONS WHO FAIL TO PAY THE RATES  
11 THAT THEIR SUPPLY OF WATER MAY BE SHUT OFF, and may provide, in  
12 case of ~~non-payment~~ NONPAYMENT, that the supply of water may be  
13 shut off or stopped as to any person or persons neglecting or  
14 refusing to make ~~such~~ payment.

15       Sec. 8. ~~When~~ IF the council ~~shall deem it for~~ CONSIDERS  
16 IT IN the public interest, ~~such water works may be purchased or~~  
17 ~~may be constructed and maintained~~ THE VILLAGE MAY PURCHASE OR  
18 CONSTRUCT AND MAY MAINTAIN A WATER WORKS beyond the corporate  
19 limits of the village. ~~→ and in~~ IN such case the council ~~shall~~  
20 ~~have authority to~~ MAY enforce beyond the corporate limits of the  
21 village, ~~within the county or counties in which such village is~~  
22 ~~situated and,~~ HAVE CONTROL over the buildings, machinery, and  
23 other property belonging to and connected with ~~such~~ THE water  
24 works, in the same manner and to the same extent as if ~~they, or~~  
25 ~~it, were~~ LOCATED within the village, ~~all such~~ AND ADOPT AND  
26 ENFORCE ordinances and police regulations as may be necessary for  
27 the care, protection, preservation, management, and control

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

23

1 ~~thereof~~ OF THE WATER WORKS. HOWEVER, NOTHING IN THIS SECTION  
2 PROHIBITS ANOTHER LOCAL GOVERNMENTAL UNIT FROM ENFORCING ITS  
3 ORDINANCES WITHIN ITS LIMITS.

4 Sec. 9. For the purpose of operating or constructing and  
5 maintaining such water works, the village ~~shall have the right~~  
6 ~~to~~ MAY, AFTER OBTAINING APPROPRIATE RIGHTS AS PROVIDED BY LAW,  
7 use the ground or soil under any street, highway, or road ~~within~~  
8 ~~the county or counties within which such village is situated~~ for  
9 the purpose of introducing water into and through any and all  
10 portions of the village, ~~on condition that it shall cause the~~  
11 ~~surface of such street, highway, or road to be relaid and~~  
12 ~~restored to its usual state without unnecessary delay, and any~~  
13 ~~damage done thereto to be repaired, and such right shall be con-~~  
14 ~~tinuous for the purpose of~~ AND repairing and relaying water  
15 pipes. ~~upon like conditions.~~

16 Sec. 10. If it shall be necessary, in the judgment of the  
17 council, to appropriate private property for the construction,  
18 ~~and~~ maintenance, or ~~for the due~~ operation of water works, the  
19 right to occupy and hold the same and the ownership ~~therein and~~  
20 ~~thereto~~ OR EASEMENT RIGHTS may be acquired by the village in the  
21 manner ~~and with like effect as provided in this act for the~~  
22 ~~taking of private property for public use~~ PROVIDED BY THE UNI-  
23 FORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.51 TO  
24 213.75.

25 Sec. 11. The council may contract from year to year, or for  
26 a period ~~of time~~ not exceeding 10 years, with ~~any person or~~  
27 ~~persons, or with any duly authorized corporation, for the~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

24

1 ~~supplying of such village and the inhabitants thereof, with~~  
2 ~~water, upon such terms and conditions as may be agreed;~~ A PERSON  
3 TO SUPPLY THE VILLAGE WITH WATER and may grant to ~~such~~ THE  
4 person ~~, persons, or corporation~~ the right to the use of the  
5 streets, alleys, wharves, and public grounds of ~~such~~ THE vil-  
6 lage as ~~shall be~~ necessary ~~to enable such person, persons, or~~  
7 ~~corporation~~ to construct, MAINTAIN, and operate proper works for  
8 the supply of water for the ~~use of such~~ village ~~, and the~~  
9 ~~inhabitants thereof,~~ upon ~~such~~ terms and conditions ~~as shall~~  
10 ~~be~~ specified in ~~such contracts~~ THE CONTRACT.

11 SEC. 12. UNLESS OTHERWISE PROVIDED BY ORDINANCE ADOPTED  
12 UNDER SECTION 8 OF CHAPTER V, AS DIRECTED BY THE COUNCIL, THE  
13 STREET ADMINISTRATOR DESIGNATED UNDER SECTION 13 OF 1951 PA 51,  
14 MCL 247.663, SHALL PERFORM, OR CAUSE TO BE PERFORMED UNDER HIS OR  
15 HER SUPERVISION, LABOR, REPAIRS, AND IMPROVEMENTS UPON THE HIGH-  
16 WAYS, STREETS, SIDEWALKS, ALLEYS, BRIDGES, RESERVOIRS, DRAINS,  
17 CULVERTS, SEWERS, PUBLIC GROUNDS, AND PARKS WITHIN THE VILLAGE.

18 SEC. 13. THE STREET ADMINISTRATOR SHALL PROVIDE THE COUN-  
19 CIL, IN WRITING AND ON OATH ONCE IN EACH MONTH, AN EXACT REPORT  
20 OF ALL LABOR PERFORMED BY THE STREET ADMINISTRATOR, OR UNDER HIS  
21 OR HER SUPERVISION, AND THE CHARGES THEREFORE; THE AMOUNT OF  
22 MATERIAL USED, AND THE EXPENSE THEREOF; THE STREET OR OTHER PLACE  
23 WHERE THE MATERIAL WAS USED, OR LABOR PERFORMED; AND THE ITEMS  
24 AND PURPOSE OF ALL EXPENSES INCURRED SINCE HIS OR HER LAST PRE-  
25 CEDING REPORT.

26 SEC. 14. THE COUNCIL BY ORDINANCE MAY ESTABLISH A  
27 DEPARTMENT OF PUBLIC WORKS TO PERFORM THE DUTIES OF THE STREET



**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

25

1 ADMINISTRATOR AND OTHER DUTIES AUTHORIZED BY THIS ACT OR BY THE  
2 COUNCIL. THE ORDINANCE SHALL PROVIDE THAT THE PRESIDENT SHALL  
3 NOMINATE AND THE COUNCIL SHALL APPOINT A DIRECTOR OF PUBLIC  
4 WORKS. THE COUNCIL MAY DESIGNATE THE VILLAGE MANAGER AS DIRECTOR  
5 OF PUBLIC WORKS IN AN ORDINANCE ENACTED PURSUANT TO SECTION 8 OF  
6 CHAPTER V.

7 CHAPTER XII--LIGHTING.

8 Sec. 1. ~~It shall be lawful for any village having a resi-~~  
9 ~~dent population of not less than 250 inhabitants, to acquire by~~  
10 A VILLAGE MAY purchase or ~~to~~ construct, AND operate and main-  
11 tain either independently or in connection with the water works  
12 of the village, either within or without the village, works ~~for~~  
13 ~~the purpose of supplying such village and the inhabitants there-~~  
14 ~~of, or either,~~ TO SUPPLY THE VILLAGE with gas, electric, or  
15 other lights, at such times and on such terms and conditions as  
16 DIRECTED BY the council ~~of any such village shall direct~~ UNDER  
17 THIS CHAPTER.

18 Sec. 3. ~~In case the council shall declare~~ TO EXERCISE THE  
19 POWERS GRANTED BY SECTION 1 OF THIS CHAPTER, THE COUNCIL SHALL  
20 ADOPT A RESOLUTION DECLARING that it is expedient for such vil-  
21 lage to acquire by purchase ~~,~~ OR construction, ~~or reconstruc-~~  
22 ~~tion, as the case may be, works for the purpose of supplying such~~  
23 ~~village and the inhabitants thereof, or either,~~ AS APPLICABLE,  
24 WORKS TO SUPPLY THE VILLAGE with electric or other lights, ~~then~~  
25 ~~the council shall cause to be made and recorded~~ AND SHALL MAKE  
26 AND RECORD in their proceedings ~~,~~ an estimate of the expense.  
27 ~~thereof and the question of raising the amount required for such~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

26

1 ~~purpose or such part of such estimate~~ THE QUESTION OF FINANCING  
2 THE ESTIMATED AMOUNT OR THAT PART OF THE ESTIMATED AMOUNT not in  
3 excess of limitations on indebtedness of ~~such~~ THE village pro-  
4 vided by law ~~and not exceeding such estimate,~~ shall be submit-  
5 ted to the electors of the village at its annual election, or at  
6 a special election called for that purpose by the council as pro-  
7 vided in this act. ~~, and shall be determined as~~ APPROVAL OF THE  
8 PROPOSAL REQUIRES THE AFFIRMATIVE VOTE OF 2/3 of the electors  
9 voting at such election by ballot. ~~shall decide: Provided, That~~  
10 ~~when villages incorporated under this act, vote to raise a sum~~  
11 ~~less than such estimate~~ IF THE VOTERS APPROVE FINANCING A PART  
12 OF THE ESTIMATED AMOUNT NOT IN EXCESS OF THE LIMITATIONS ON  
13 INDEBTEDNESS OF THE VILLAGE, the council shall not ~~have power~~  
14 ~~to~~ incur any indebtedness for ~~such purpose~~ LIGHTING WORKS on  
15 the general faith and credit of ~~such~~ THE village until the  
16 charter ~~thereof shall have been so~~ IS amended ~~as~~ to permit  
17 the issuance of mortgage bonds on ~~such~~ THE proposed lighting  
18 plant, its revenues and franchise, in excess of the general limi-  
19 tations on indebtedness as provided by this act, in an amount  
20 equal to the difference between the indebtedness authorized by  
21 this act, and ~~such estimate~~ THE ESTIMATED AMOUNT.

22       Sec. 4. (1) ~~It shall be lawful for any such village to~~  
23 ~~borrow any~~ A VILLAGE MAY BORROW A sum of money not exceeding 5%  
24 ~~per cent~~ of the ~~assessed~~ TAXABLE value of the property in  
25 ~~said~~ THE village as shown by the last preceding tax roll, to be  
26 used exclusively for the purpose of purchasing or constructing  
27 and maintaining ~~such~~ lighting works as provided in ~~the~~

1 ~~preceding sections of~~ this chapter. The council ~~shall have~~  
2 ~~power to~~ MAY fix the time and place of the payment of the prin-  
3 cipal and interest of the debt contracted under the provisions of  
4 this chapter, and ~~to~~ issue bonds of the village therefor, but  
5 the rate of ~~such~~ interest shall not exceed 6% ~~per cent~~ per  
6 annum, and ~~such~~ THE bonds shall not be sold for less than their  
7 par value. ~~∴ Provided, That the~~

8 (2) THE total amount expended for the purchase or construc-  
9 tion of ~~such~~ THE lighting works shall not exceed the amount of  
10 the estimate of expense therefor provided for in section 3 of  
11 this chapter.

12 Sec. 5. (1) After lighting works have been purchased or  
13 constructed IN THE VILLAGE as provided in this ~~act~~ CHAPTER, ~~in~~  
14 ~~such village,~~ the council may ~~then~~ raise and expend ~~in making~~  
15 ~~repairs or alterations, or in extending such works, such sum as~~  
16 ~~it may deem advisable~~ MONEY TO REPAIR, ALTER, OR EXTEND THE  
17 LIGHTING WORKS without submitting the question to the electors of  
18 the village. However, the sum to be so raised, in any 1 year,  
19 shall be included in, and shall not increase the total amount  
20 ~~which, by section 1 of chapter IX,~~ THAT the council is autho-  
21 rized to raise UNDER SECTION 1 OF CHAPTER IX.

22 (2) ~~In lieu~~ INSTEAD of raising such funds by tax, the  
23 council may, by A contract ~~, which shall~~ THAT DOES not impose a  
24 general obligation on the village, provide for ~~such~~ repairs,  
25 alterations, or extensions OF THE LIGHTING WORKS. ~~Such~~ THE  
26 contract shall provide for payment ~~therefor~~ OF THE CONTRACT out  
27 of the net revenues which, after payment of obligations due,

1 provision for payment of obligations to become due, and payment  
2 of legitimate and necessary operating and other expenses  
3 ~~thereof, shall become~~ ARE available from the operation of  
4 ~~such~~ THE LIGHTING works after completion of ~~such~~ THE repairs,  
5 alterations, or extensions. ~~and~~ THE CONTRACT shall provide for  
6 the retention of title to materials furnished in the seller until  
7 paid for in full. However, a contract made ~~pursuant to~~ UNDER  
8 this section ~~shall not be construed to~~ DOES NOT deprive the  
9 people of the village of any right vested in them by the consti-  
10 tution or the laws of this state, ~~to constitute the granting of~~  
11 ~~any~~ GRANT A franchise or its operating equivalent, or ~~to~~  
12 convey title to property to any person not possessed of such  
13 title ~~prior to~~ BEFORE the execution of ~~such~~ THE title retain-  
14 ing contract. Unless an exception from prior approval is avail-  
15 able ~~pursuant to~~ UNDER subsection (4), a title retaining con-  
16 tract shall be approved by the ~~municipal finance commission~~  
17 DEPARTMENT OF TREASURY or its successor agency before becoming  
18 binding upon the village. The ~~municipal finance commission~~  
19 DEPARTMENT OF TREASURY or its successor agency shall determine  
20 ~~their~~ ITS approval or disapproval upon all of the following  
21 factors:

22 (a) Whether ~~such~~ THE contract conforms to ~~the provisions~~  
23 ~~of~~ this act.

24 (b) Whether after payment of legitimate and necessary oper-  
25 ating and other expenses, and payments due or to become due on  
26 any existing obligations, the probable revenues pledged to the

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

29

1 payment of ~~such~~ THE contract will be sufficient to pay the  
2 principal and interest on ~~such~~ THE contract when due.

3 (c) Whether the cost of the repairs, alterations, or exten-  
4 sions to be paid by ~~such~~ THE contract are excessive.

5 (3) ~~Upon approval of 3/5 of the electors of such village,~~  
6 ~~the council may, in lieu~~ INSTEAD of raising ~~such~~ funds TO  
7 REPAIR, ALTER, OR EXTEND THE LIGHTING WORKS by tax ~~,~~ as ~~is~~  
8 provided by section 1 of chapter IX, or ~~in lieu of~~ using ~~such~~  
9 funds available from the operation of ~~such~~ THE LIGHTING works,  
10 as provided in this section, THE COUNCIL MAY borrow money and  
11 issue bonds ~~for such repair, alteration, or extension of such~~  
12 ~~lighting works, under the same provisions of section 3 as apply~~  
13 ~~to the acquiring or construction of such works~~ IN THE MANNER  
14 PROVIDED IN SECTION 3 OF THIS CHAPTER FOR THE ACQUISITION OR CON-  
15 STRUCTION OF LIGHTING WORKS, EXCEPT THAT APPROVAL OF THE PROPOSAL  
16 REQUIRES THE AFFIRMATIVE VOTE OF 3/5 OF THE ELECTORS VOTING ON  
17 THE QUESTION.

18 (4) The requirement of subsection (2) for obtaining the  
19 prior approval of the ~~municipal finance commission~~ DEPARTMENT  
20 OF TREASURY or its successor agency before a title retaining con-  
21 tract may become binding ~~shall be~~ IS subject to sections 10 and  
22 11 of chapter III of ~~Act No. 202 of the Public Acts of 1943,~~  
23 ~~being sections 133.10 and 133.11 of the Michigan Compiled Laws~~  
24 THE MUNICIPAL FINANCE ACT, 1943 PA 202, MCL 133.10 AND 133.11,  
25 and the department of treasury shall have the same authority as  
26 provided by section 11 of chapter III of ~~Act No. 202 of the~~  
27 ~~Public Acts of 1943~~ THE MUNICIPAL FINANCE ACT, 1943 PA 202, MCL

1 133.11, to issue an order providing or denying an exception from  
2 the prior approval required by subsection (2) for a title retain-  
3 ing contract authorized by this section.

4 Sec. 6. The council ~~shall have the power to~~ MAY fix  
5 ~~such~~ THE just and equitable rates ~~as may be deemed advisable~~  
6 for supplying the ~~inhabitants of such~~ village with lights.

7 Sec. 7. If it ~~shall be~~ IS necessary in the judgment of  
8 the council to appropriate private property for the construction  
9 and maintenance, or for the due operation of lighting works, the  
10 ~~right to occupy and hold the same, and the ownership therein and~~  
11 ~~thereto may be acquired by the village in the manner and with~~  
12 ~~like effect as provided in this act for the taking of private~~  
13 ~~property for public use~~ VILLAGE MAY DO SO IN THE MANNER PROVIDED  
14 IN THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL  
15 213.51 TO 213.75.

16 Sec. 8. The council may contract from year to year, or for  
17 a period ~~of time~~ not exceeding 10 years, with ~~any person or~~  
18 ~~persons, or with any duly authorized corporation, for the supply-~~  
19 ~~ing of such village or the inhabitants thereof, or both, A~~  
20 PERSON TO SUPPLY THE VILLAGE with gas, electric, or other lights  
21 ~~, upon such terms and conditions as may be agreed;~~ and may  
22 grant to ~~such~~ THE person ~~, persons or corporation~~ the right  
23 to the use of the streets, alleys, wharves, and public grounds of  
24 ~~such~~ THE village as ~~shall be~~ necessary ~~to enable such~~  
25 ~~person, persons or corporation~~ to construct, MAINTAIN, and oper-  
26 ate proper works for the supplying of such light upon ~~such~~

1 terms and conditions ~~as shall be~~ specified in ~~such~~ THE  
2 contract.

3       Sec. 9. The council may enact such ordinances and adopt  
4 ~~such~~ resolutions ~~as may be necessary~~ for the care, protec-  
5 tion, preservation, and control of the lighting works, and all  
6 the fixtures, appurtenances, apparatus, buildings, and machinery  
7 connected ~~therewith~~ WITH or belonging ~~thereto~~ TO THE LIGHTING  
8 WORKS, and to ~~carry into effect the provisions of this chapter,~~  
9 ~~and the powers herein conferred in respect to the erection, pur-~~  
10 ~~chase, management and control of such works~~ EXERCISE THE POWERS  
11 GRANTED BY THIS CHAPTER.

12               CHAPTER XIII--APPROPRIATION OF PRIVATE PROPERTY.

13       Sec. 1. Private property may be taken ~~and appropriated~~  
14 for public use in ~~any such~~ A village for ~~the purpose of~~ open-  
15 ing, widening, altering, and extending streets, alleys, and ave-  
16 nues; for the construction of bridges, ~~for~~ public buildings,  
17 and ~~for~~ other public structures; for public grounds, parks,  
18 ~~market places~~ MARKETPLACES, and spaces; for public wharves,  
19 docks, slips, basins, and landings on navigable waters; ~~, and~~  
20 for the improvement of ~~water courses~~ SANITARY SEWERS, DRAINS,  
21 DITCHES, STORM WATER SYSTEMS, WATER SUPPLY SYSTEMS, AND  
22 WATERCOURSES; ~~for sewers, drains and ditches,~~ for public  
23 hospitals; ~~, pest houses, quarantine grounds and public~~  
24 ~~cemeteries,~~ and for other lawful and necessary public uses.

25       Sec. 2. ~~If it shall become necessary to take and appropri-~~  
26 ~~ate private property for the public uses or purposes specified in~~  
27 ~~the preceding section, the right to occupy and hold the same, and~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

32

1 ~~the ownership therein and thereto, may be acquired by the village~~  
2 ~~either in the manner, and with like effect, as provided by the~~  
3 ~~general laws of this state relating to the taking of private~~  
4 ~~property for public use in cities and villages, or by instituting~~  
5 ~~and prosecuting the proceedings for that purpose as hereinafter~~  
6 ~~set forth.~~ TO INITIATE THE ACQUISITION OF PRIVATE PROPERTY, THE  
7 COUNCIL SHALL ADOPT A RESOLUTION DESCRIBING THE PRIVATE PROPERTY,  
8 DECLARING THAT THE ACQUISITION OF THE PROPERTY IS NECESSARY FOR  
9 AN IMPROVEMENT DESCRIBED IN SECTION 1 NECESSARY FOR THE USE AND  
10 BENEFIT OF THE PUBLIC, AND DESIGNATING THE PUBLIC IMPROVEMENT.  
11 THE RESOLUTION SHALL DIRECT THAT PROCEDURES TO ACQUIRE THE PROP-  
12 ERTY BE COMMENCED UNDER THE UNIFORM CONDEMNATION PROCEDURES ACT,  
13 1980 PA 87, MCL 213.51 TO 213.75.

14       Sec. 3. ~~Whenever the council of any such village shall~~  
15 ~~have declared a public improvement to be necessary in the vil-~~  
16 ~~lage, and shall have declared that they deem it necessary to take~~  
17 ~~private property, describing it, for such public improvement,~~  
18 ~~designating it, and that the improvement is for the use or bene-~~  
19 ~~fit of the public, they may by resolution, direct the village~~  
20 ~~attorney to commence the necessary proceedings in behalf of the~~  
21 ~~village, before a justice of the peace of the county in which~~  
22 ~~such village is located, as they may designate or they may by~~  
23 ~~resolution direct that such proceedings be commenced in the cir-~~  
24 ~~cuit court of such county, to carry out the objects of the reso-~~  
25 ~~lution in regard to taking private property by the village for~~  
26 ~~such public use.~~ IF A VERDICT AND JUDGMENT IN AN ACTION UNDER  
27 THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980 PA 87, MCL 213.51



**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

33

1 TO 213.75, IS RENDERED IN FAVOR OF THE VILLAGE IN THE CIRCUIT  
2 COURT, THEN, AFTER THE VERDICT AND JUDGMENT BECOME FINAL, UNLESS  
3 THE CAUSE WAS DISCONTINUED, THE VILLAGE CLERK SHALL PROCURE  
4 COPIES OF THE JUDGMENT OF THE CIRCUIT COURT AS WELL AS OF THE  
5 VERDICT OF THE JURY, AND RECORD THEM IN A BOOK OF RECORDS KEPT BY  
6 THE VILLAGE CLERK. THE BOOK OF RECORDS OF THE PROCEEDINGS KEPT  
7 BY THE VILLAGE CLERK, OR CERTIFIED COPIES THEREOF, SHALL BE  
8 ADMISSIBLE IN EVIDENCE AND HAVE THE SAME EVIDENTIARY EFFECT AS A  
9 COPY OF THE ORDER JUDGMENT OR DECREE OF THE CIRCUIT COURT AUTHEN-  
10 TICATED BY THE JUDGE OR CLERK OF THE COURT UNDER SEAL THEREOF, AS  
11 PROVIDED IN SECTION 2106 OF THE REVISED JUDICATURE ACT OF 1961,  
12 1961 PA 236, MCL 600.2106.

13       Sec. 4. ~~In case the council shall direct that such pro-~~  
14 ~~ceedings be commenced before a justice of the peace, the village~~  
15 ~~clerk shall make and deliver to such attorney, as soon as may be,~~  
16 ~~a copy of such resolution certified under seal, and it shall be~~  
17 ~~the duty of such attorney to prepare and file with such justice,~~  
18 ~~in the name of the village, a petition signed by him in his offi-~~  
19 ~~cial character and duly verified by him; to which petition a cer-~~  
20 ~~tified copy of the resolution of the council shall be annexed,~~  
21 ~~which certified copy shall be prima facie evidence of the action~~  
22 ~~taken by the council, and of the passage of said resolution. The~~  
23 ~~petition shall state, among other things, that it is made and~~  
24 ~~filed as commencement of judicial proceedings by the village in~~  
25 ~~pursuance of this chapter, to acquire the right to take private~~  
26 ~~property for the use or benefit of the public, without consent of~~  
27 ~~the owners, for a public improvement, designating it, for a just~~

~~1 compensation to be made. A description of the property to be  
2 taken shall be given and generally the nature and extent of the  
3 use thereof that will be required in making and maintaining the  
4 improvement shall be stated, and also the names of the owners and  
5 others interested in the property, so far as can be ascertained,  
6 including those in possession of the premises. The petition  
7 shall also state that the council has declared such public  
8 improvement to be necessary and that they deem it necessary to  
9 take the private property described in that behalf for such  
10 improvement for the use or benefit of the public. The petition  
11 shall ask that a jury be summoned and impaneled to ascertain and  
12 determine whether it is necessary to make such public improve-  
13 ment, whether it is necessary to take such private property as it  
14 is proposed to take for the use or benefit of the public, and to  
15 ascertain and determine the just compensation to be made  
16 therefor. The petition may state any other pertinent matter or  
17 thing and may pray for any other or further relief to which the  
18 village may be entitled within the objects of this chapter.~~

19       (1) AFTER THE VILLAGE CLERK RECORDS THE FINAL JUDGMENT AND  
20 VERDICT AS PROVIDED IN SECTION 30 OF THIS CHAPTER, THE PROPER AND  
21 NECESSARY PROCEEDINGS MAY BE TAKEN BY THE COUNCIL FOR THE COLLEC-  
22 TION OF THE SUM AWARDED BY THE JURY.

23       (2) IF THE COUNCIL BELIEVES THAT REAL ESTATE IN THE VILLAGE  
24 IN THE VICINITY OF THE PROPOSED IMPROVEMENT WILL BE BENEFITED BY  
25 THE IMPROVEMENT, THE COUNCIL MAY, BY AN ENTRY IN ITS MINUTES,  
26 DETERMINE THAT THE WHOLE OR ANY JUST PROPORTION OF THE  
27 COMPENSATION AWARDED BY THE JURY, AND OF THE COSTS AND EXPENSES

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

35

1 INCURRED IN CONNECTION WITH THE PROCEEDINGS, BE ASSESSED UPON THE  
2 OWNERS OR OCCUPANTS OF REAL ESTATE DETERMINED TO BE BENEFITED.  
3 THE COUNCIL SHALL, BY RESOLUTION, FIX AND DETERMINE THE DISTRICT  
4 OF THE VILLAGE BENEFITED, AND SPECIFY THE AMOUNT TO BE ASSESSED  
5 UPON THE OWNERS OR OCCUPANTS OF THE BENEFITED REAL ESTATE. IN  
6 DETERMINING THE AMOUNT OF SUCH COSTS AND EXPENSES, THE COUNCIL  
7 MAY INCLUDE ALL COSTS AND EXPENSES INCURRED OR PAID FOR JURORS'  
8 FEES, EXPENSES OF ABSTRACTS, ALL SURVEYS AND MAPS, AND ALL OTHER  
9 NECESSARY EXPENSES. THE AMOUNT OF THE BENEFIT THUS ASCERTAINED  
10 SHALL BE ASSESSED UPON THE OWNERS OR OCCUPANTS OF THE BENEFITED  
11 REAL ESTATE, IN PROPORTION, AS NEARLY AS MAY BE, TO THE ADVANTAGE  
12 WHICH EACH SUCH LOT OR PARCEL IS DEEMED TO ACQUIRE BY THE  
13 IMPROVEMENT.

14 (3) THE ASSESSMENT SHALL BE MADE AND THE AMOUNT LEVIED AND  
15 COLLECTED IN THE SAME MANNER AND BY THE SAME OFFICERS AND PRO-  
16 CEEDINGS, AS NEAR AS MAY BE, PROVIDED IN SECTIONS 31 TO 35 OF  
17 CHAPTER VIII. THE ASSESSMENT ROLL, WHEN RATIFIED AND CONFIRMED  
18 BY THE COUNCIL, SHALL BE FINAL AND CONCLUSIVE AND PRIMA FACIE  
19 EVIDENCE OF THE REGULARITY AND LEGALITY OF ALL PROCEEDINGS PRIOR  
20 THERETO, AND EACH ASSESSMENT SHALL BE A LIEN ON THE PREMISES ON  
21 WHICH IT IS ASSESSED UNTIL THE ASSESSMENT IS PAID.

22 (4) WHATEVER AMOUNT OR PORTION OF SUCH AWARDED COMPENSATION,  
23 COSTS, AND EXPENSES IS NOT RAISED BY SPECIAL ASSESSMENT SHALL BE  
24 ASSESSED, LEVIED, AND COLLECTED UPON THE TAXABLE REAL ESTATE OF  
25 THE VILLAGE, THE SAME AS OTHER GENERAL TAXES ARE ASSESSED AND  
26 COLLECTED. THE VILLAGE MAY PURCHASE ASSESSED PREMISES OR ANY  
27 PORTION SOLD FOR NONPAYMENT OF THE AMOUNT ASSESSED.

1 (5) IF THERE IS ON THE PRIVATE PROPERTY TAKEN A BUILDING OR  
2 OTHER STRUCTURE, IT MAY BE SOLD BY OR UNDER THE DIRECTION OF THE  
3 COUNCIL. THE AMOUNT PRODUCED BY THE SALE SHALL BELONG AND BE  
4 PAID TO THE FUND FOR PAYING THE COMPENSATION AWARDED FOR THE  
5 PROPERTY TAKEN, AND THE COUNCIL SHALL CAUSE SUCH AMOUNT TO BE  
6 CREDITED AND APPLIED IN REDUCTION PRO RATA OF THE ASSESSMENT AND  
7 APPORTIONMENT MADE TO PAY FOR THE PROPERTY TAKEN.

8 Sec. 5. ~~Upon receiving said petition it shall be the duty~~  
9 ~~of the said justice to issue a summons signed by him against the~~  
10 ~~respondents named in such petition, stating briefly the object of~~  
11 ~~said petition, and commanding them, in the name of the people of~~  
12 ~~the state of Michigan, to appear before said justice at a time~~  
13 ~~and place to be named in said summons, not less than 20 nor more~~  
14 ~~than 40 days from the date of the same, and show cause, if any~~  
15 ~~they have, why the prayer of said petition should not be~~  
16 ~~granted.~~ THIS CHAPTER DOES NOT PROHIBIT A VILLAGE FROM OBTAINING  
17 PRIVATE PROPERTY FOR A PUBLIC USE SPECIFIED IN SECTION 1 OF THIS  
18 CHAPTER BY NEGOTIATION AND PURCHASE. FURTHER, THIS CHAPTER DOES  
19 NOT PERMIT A VILLAGE TO ACQUIRE PROPERTY BY CONDEMNATION THAT IS  
20 LOCATED OUTSIDE OF THE VILLAGE LIMITS.

21 CHAPTER XIV--MISCELLANEOUS.

22 Sec. 3. ~~When, by the provisions of~~ IF, UNDER this act,  
23 notice of any matter or proceeding is required to be published or  
24 posted, an affidavit OR CERTIFICATE of the publication or posting  
25 ~~of the same,~~ made by the ~~printer~~ CLERK of the ~~newspaper in~~  
26 ~~which the same was inserted~~ VILLAGE, or by some OTHER person in  
27 ~~his~~ THE employ OF THE VILLAGE knowing the facts ~~, if such~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

37

1 ~~notice was required to be by publication, or by the person~~  
2 ~~posting the same, when required to be by posting,~~ shall be prima  
3 facie evidence of the facts therein contained ~~:- Provided, The~~  
4 ~~same be~~ IF filed with the village clerk within 6 months from the  
5 date of the last publication ~~thereof, or of posting the same~~ OR  
6 POSTING OF THE NOTICE.

7       Sec. 5. ~~Whenever~~ IF in any other act ~~than this~~ the gov-  
8 erning body of a village is described as the board of trustees,  
9 the trustees, or common council, it shall be construed to mean  
10 the body ~~herein~~ described IN THIS ACT as the ~~village~~  
11 council.

12       SEC. 6A. THE COUNTY BOARD OF COMMISSIONERS SHALL NOT CON-  
13 sider THE PETITION OF A VILLAGE COUNCIL FOR ANNEXATION OR DETACH-  
14 ment OF TERRITORY UNDER SECTION 6 OF THIS CHAPTER IF THE PETITION  
15 IS PRESENTED DURING THE PENDENCY OF A PETITION TO DISINCORPORATE  
16 THE VILLAGE FILED UNDER SECTION 18A OF THIS CHAPTER.

17       Sec. 7. ~~All villages heretofore incorporated~~ VILLAGES  
18 INCORPORATED BEFORE FEBRUARY 19, 1895 under any general or spe-  
19 cial law of this state, are ~~hereby re-incorporated~~  
20 REINCORPORATED under and made subject to ~~the provisions of~~ this  
21 act, ~~such re-incorporation to take effect on the twenty-fifth~~  
22 ~~day of February, A.D. 1895, and all general~~ EFFECTIVE  
23 FEBRUARY 25, 1895. GENERAL or special laws ~~by virtue of which~~  
24 ~~such villages have been~~ UNDER WHICH THOSE VILLAGES WERE incorpo-  
25 rated are ~~hereby repealed from and after the said twenty-fifth~~  
26 ~~day of February, A.D.~~ REPEALED EFFECTIVE FEBRUARY 25, 1895.

HB5437, As Passed House, February 4, 1998

House Bill No. 5437

38

1       Sec. 18a. ~~-(1) Any proposition to vacate incorporation as a~~  
2 ~~village shall be submitted to the qualified electors of the~~  
3 ~~incorporated village at the next general election or at a special~~  
4 ~~election. In the event the proposition is submitted to the qual-~~  
5 ~~ified electors at the next election, on or before August 30, the~~  
6 ~~village council shall have voted by a majority vote to submit the~~  
7 ~~proposition to the electors of the village or there shall have~~  
8 ~~been filed with the village clerk petitions requesting the sub-~~  
9 ~~mission of the proposition which have been signed by at least 1/4~~  
10 ~~of the electors of the village as shown by the registration list~~  
11 ~~as of the close of registration prior to the last village elec-~~  
12 ~~tion, praying that the incorporation of the village be vacated.~~  
13 ~~The petitions shall be filed with the village clerk within 180~~  
14 ~~days after the date of the first signature on the first~~  
15 ~~petition. In the event the proposition is submitted to the qual-~~  
16 ~~ified electors at a special election, the special election shall~~  
17 ~~not be held less than 60 days after either the date the village~~  
18 ~~council has voted to submit the proposition to the electors of~~  
19 ~~the village or the date there has been filed with the village~~  
20 ~~clerk petitions requesting the submission of the proposition~~  
21 ~~which date has been approved by the county election scheduling~~  
22 ~~committee. The procedures relative to conducting the election~~  
23 ~~shall be provided in the general election law.~~  
24       ~~-(2) The proposition to be submitted by ballot in the village~~  
25 ~~shall be substantially as follows:~~  
26       ~~"Shall the incorporation of the village of \_\_\_\_\_~~  
27 ~~be vacated?~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

39

1        Yes (———)

2        No (———)".

3        ~~(3) The ballots shall be cast and canvassed, and the results~~  
4 ~~of the election certified, in the same manner as ballots on any~~  
5 ~~question submitted to the electors of the village. If a 2/3~~  
6 ~~majority of the village votes canvassed are in favor of vacating,~~  
7 ~~the council, or a majority of the council, shall immediately~~  
8 ~~cause a transcript of all the proceedings in the case to be cer-~~  
9 ~~tified to the county clerk of the county in which the village or~~  
10 ~~the principal part of the village is located and to the secretary~~  
11 ~~of state. This act shall not authorize the qualified electors of~~  
12 ~~any incorporated village, or the county board of commissioners,~~  
13 ~~to vacate or alter any recorded plat of the village, or any~~  
14 ~~street or alley in the village.~~

15        (1) TO INITIATE THE DISINCORPORATION OF A VILLAGE, THERE  
16 SHALL BE FILED WITH THE VILLAGE CLERK A PETITION SIGNED BY NOT  
17 LESS THAN 25% OF THE REGISTERED ELECTORS OF THE VILLAGE REQUEST-  
18 ING A VOTE ON THE QUESTION OF WHETHER A COMMISSION SHALL BE  
19 APPOINTED TO PREPARE A PLAN FOR DISINCORPORATION.

20        (2) A PETITION SHALL DESIGNATE THE TOWNSHIP OR TOWNSHIPS  
21 INTO WHICH THE VILLAGE IS PROPOSED TO BE DISINCORPORATED. A VIL-  
22 LAGE SHALL BE DISINCORPORATED INTO THE TOWNSHIP OR TOWNSHIPS IN  
23 WHICH IT IS LOCATED, ALONG EXISTING TOWNSHIP BOUNDARIES.

24        (3) AFTER THE PETITION IS FILED WITH THE VILLAGE CLERK A  
25 PETITION AFFECTING THE VILLAGE SHALL NOT BE FILED WITH THE STATE  
26 BOUNDARY COMMISSION AND A PETITION REQUESTING DISINCORPORATION OF  
27 THE VILLAGE INTO A DIFFERENT TOWNSHIP SHALL NOT BE FILED UNDER

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

40

1 THIS ACT UNTIL THE DISINCORPORATION PROCESS PROVIDED FOR BY THIS  
2 ACT HAS CONCLUDED.

3 (4) BY NOT MORE THAN 14 DAYS AFTER THE PETITION IS FILED,  
4 THE VILLAGE CLERK SHALL VERIFY THE SIGNATURES AND DETERMINE THE  
5 SUFFICIENCY OF THE PETITION. IF THE CLERK DETERMINES THAT THE  
6 PETITION IS SUFFICIENT, THE QUESTION OF THE DISINCORPORATION OF  
7 THE VILLAGE SHALL APPEAR ON THE BALLOT AT THE NEXT GENERAL OR  
8 SPECIAL ELECTION TO BE HELD IN THE VILLAGE, SUBJECT TO  
9 SECTION 646A OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL  
10 168.646A. THE VILLAGE CLERK SHALL PREPARE THE BALLOT LANGUAGE,  
11 IN SUBSTANTIALLY THE FOLLOWING FORM:

12 "SHALL A COMMISSION BE APPOINTED TO PREPARE A  
13 PLAN FOR THE DISINCORPORATION OF THE VILLAGE OF  
14 \_\_\_\_\_ INTO THE TOWNSHIP(S) OF \_\_\_\_\_?

15 ( ) YES

16 ( ) NO".

17 (5) IF A MAJORITY OF THE ELECTORS VOTING ON THE QUESTION  
18 VOTE "YES". A DISINCORPORATION COMMISSION SHALL BE APPOINTED  
19 UNDER SECTION 18B.

20 SEC. 18B. (1) A DISINCORPORATION COMMISSION SHALL BE COM-  
21 POSED OF 3 MEMBERS REPRESENTING EACH TOWNSHIP INTO WHICH THE VIL-  
22 LAGE IS PROPOSED TO BE DISINCORPORATED AND A NUMBER OF MEMBERS  
23 REPRESENTING THE VILLAGE EQUAL TO THE NUMBER OF MEMBERS REPRE-  
24 SENTING TOWNSHIPS.

25 (2) THE VILLAGE PRESIDENT WITH APPROVAL OF THE VILLAGE COUN-  
26 CIL, SHALL APPOINT THE MEMBERS REPRESENTING THE VILLAGE. THE



**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

41

1 TOWNSHIP SUPERVISOR OF A TOWNSHIP, WITH APPROVAL OF THE TOWNSHIP  
2 BOARD, SHALL APPOINT THE MEMBERS REPRESENTING THE TOWNSHIP.

3 (3) DISINCORPORATION COMMISSION MEMBERS MAY BE VILLAGE OR  
4 TOWNSHIP OFFICIALS.

5 SEC. 18C. (1) AN INDIVIDUAL ELECTED TO THE DISINCORPORATION  
6 COMMISSION SHALL TAKE THE CONSTITUTIONAL OATH OF OFFICE.

7 (2) A VACANCY IN THE DISINCORPORATION COMMISSION IS CREATED  
8 IN THE MANNER PROVIDED IN SECTION 3 OF 1846 RS 15, MCL 201.3.

9 (3) IF A MEMBER OF A DISINCORPORATION COMMISSION VACATES  
10 OFFICE, THE VACANCY SHALL BE FILLED BY APPOINTMENT IN THE SAME  
11 MANNER AS PROVIDED IN SUBSECTION (1).

12 SEC. 18D. (1) THE PRESIDENT OF THE VILLAGE SHALL APPOINT 1  
13 OF THE VILLAGE MEMBERS AS CHAIRPERSON OF THE DISINCORPORATION  
14 COMMISSION.

15 (2) THE VILLAGE CLERK SHALL CALL THE FIRST MEETING OF THE  
16 DISINCORPORATION COMMISSION AND SHALL SERVE AS SECRETARY OF THE  
17 COMMISSION AND KEEP ITS MINUTES AND RECORDS.

18 (3) AT ITS FIRST MEETING, THE DISINCORPORATION COMMISSION  
19 SHALL ELECT SUCH OTHER OFFICERS IT CONSIDERS ADVISABLE.

20 (4) THE DISINCORPORATION COMMISSION SHALL ADOPT BYLAWS TO  
21 GOVERN THE CONDUCT OF ITS BUSINESS.

22 (5) A MAJORITY OF THE MEMBERS OF THE DISINCORPORATION COM-  
23 MISSION CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A  
24 MEETING OF THE COMMISSION. A MAJORITY OF THE MEMBERS ARE  
25 REQUIRED FOR OFFICIAL ACTION OF THE DISINCORPORATION COMMISSION.

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

42

1 (6) THE DISINCORPORATION COMMISSION SHALL CONDUCT ITS  
2 BUSINESS AT A PUBLIC MEETING HELD IN COMPLIANCE WITH THE OPEN  
3 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

4 (7) A WRITING PREPARED, OWNED, USED, IN POSSESSION OF, OR  
5 RETAINED BY THE DISINCORPORATION COMMISSION IN THE PERFORMANCE OF  
6 AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION  
7 ACT, 1976 PA 442, MCL 15.231 TO 15.246.

8 SEC. 18E. (1) THE DISINCORPORATION COMMISSION MAY CONTRACT  
9 FOR SUCH CONSULTANTS AND ADVISORS AS MAY BE REASONABLY NECESSARY  
10 IN ITS DISCRETION TO CARRY OUT ITS RESPONSIBILITIES.

11 (2) THE VILLAGE COUNCIL SHALL APPROPRIATE FOR THE DISINCOR-  
12 PORATION COMMISSION SUFFICIENT FUNDS FOR THE COMMISSION TO REA-  
13 SONABLY CARRY OUT ITS RESPONSIBILITIES.

14 (3) THE DISINCORPORATION COMMISSION MAY ACCEPT ANY PRIVATE  
15 OR PUBLIC FUNDING.

16 SEC. 18F. (1) NOT MORE THAN 2 YEARS AFTER THE ELECTION  
17 UNDER SECTION 18A APPROVING THE PREPARATION OF A DISINCORPORATION  
18 PLAN, THE DISINCORPORATION COMMISSION SHALL ADOPT A DISINCORPORA-  
19 TION PLAN FOR THE VILLAGE. ADOPTION OF A DISINCORPORATION PLAN  
20 REQUIRES THE AFFIRMATIVE VOTE OF 2/3 OF THE MEMBERS REPRESENTING  
21 THE VILLAGE AND 2 OF THE MEMBERS REPRESENTING EACH TOWNSHIP OF  
22 THE DISINCORPORATION COMMISSION.

23 (2) THE DISINCORPORATION PLAN SHALL PROVIDE AN ORDERLY PRO-  
24 CESS FOR DISINCORPORATION OF THE VILLAGE. THE DISINCORPORATION  
25 PLAN SHALL INCLUDE ALL OF THE FOLLOWING ELEMENTS:

26 (A) AN INTERIM LAND USE PLAN AND INTERIM ZONING OF THE  
27 PROPERTY WITHIN THE LIMITS OF THE VILLAGE.

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

43

1           (B) PROVISION FOR PAYMENT OF ALL INDEBTEDNESS OF THE  
2 VILLAGE, INCLUDING ANY OUTSTANDING JUDGMENTS, OR JUDGMENTS THAT  
3 MAY RESULT FROM PENDING OR FUTURE LITIGATION TO WHICH THE VILLAGE  
4 MAY BECOME A PARTY.

5           (C) DISPOSITION OF REAL AND PERSONAL PROPERTY AND OTHER  
6 ASSETS, INCLUDING FUNDS, DEPOSITS, AND INVESTMENTS.

7           (D) DISPOSITION OF ALL PUBLIC RECORDS OF THE VILLAGE IN  
8 ACCORDANCE WITH A RECORDS RETENTION PLAN AS PROVIDED BY LAW,  
9 INCLUDING FILES, BOOKS, AND PAPERS.

10          (E) TRANSFER OR TERMINATION OF EMPLOYEES, AND CONTRACTS OF  
11 EMPLOYMENT, AND DISPOSITION OF EMPLOYEE BENEFITS, INCLUDING  
12 RETIREMENT, HEALTH AND LIFE INSURANCE, UNEMPLOYMENT COMPENSATION,  
13 ACCRUED SICK AND VACATION LEAVE, AND ANY OTHER BENEFITS.

14          (F) JURISDICTION OVER STREETS, ROADS, BRIDGES, ALLEYS, SIDE-  
15 WALKS, AND ANY PUBLIC EASEMENTS IN THE VILLAGE, AND FOR THEIR  
16 MAINTENANCE AND REPAIR, INCLUDING STREET LIGHTS AND SNOW  
17 REMOVAL.

18          (G) JURISDICTION OVER TRAFFIC CONTROL AND TRAFFIC CONTROL  
19 DEVICES.

20          (H) PROVISION FOR ANY SPECIAL ASSESSMENTS OR SPECIAL ASSESS-  
21 MENT DISTRICTS WITHIN THE VILLAGE, INCLUDING BUT NOT LIMITED TO,  
22 STREET MAINTENANCE, STREET SWEEPING, AND PRIVATE ROAD SERVICE.

23          (I) THE TRANSFER OR TERMINATION OF PUBLIC UTILITIES AND  
24 PUBLIC SERVICES OF THE VILLAGE, INCLUDING, BUT NOT LIMITED TO,  
25 WATER, SEWER, DRAINAGE, CABLE TELEVISION, STREET LIGHTING, ELEC-  
26 TRIC SERVICE, AND GARBAGE AND REFUSE SERVICE.

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

44

1 (J) REGULATION OR ORDERLY TRANSFER OF RESPONSIBILITY FOR ANY  
2 SPECIAL DISTRICTS, INCLUDING BUT NOT LIMITED TO, ESTABLISHED  
3 HISTORIC DISTRICTS, DOWNTOWN DEVELOPMENT DISTRICTS, TAX INCREMENT  
4 FINANCING DISTRICTS, AND LAND SUBJECT TO ANY LAND TRANSFER  
5 AGREEMENTS.

6 (K) PROVISION FOR ANY AUTHORITIES THAT THE VILLAGE HAS  
7 ESTABLISHED OR IN WHICH THE VILLAGE IS A MEMBER.

8 (L) FINDINGS AS TO THE FISCAL IMPACT OF DISSOLUTION UPON THE  
9 TOWNSHIP OR TOWNSHIPS INTO WHICH THE VILLAGE IS PROPOSED TO BE  
10 DISINCORPORATED AND THE RESIDENTS OF THE VILLAGE, INCLUDING THE  
11 ESTIMATED REVENUES GAINED BY THE TOWNSHIP AND LOSSES TO EACH  
12 MUNICIPALITY FROM PROPERTY TAXES AND FROM STATE REVENUE SHARING  
13 AND FROM GAS AND WEIGHT TAX REVENUES DISTRIBUTED BY THIS STATE TO  
14 THE VILLAGE AND ANY TOWNSHIP INTO WHICH THE VILLAGE IS PROPOSED  
15 TO BE DISINCORPORATED.

16 (M) A PROCESS FOR THE RESOLUTION OF ANY DISPUTE THAT MAY  
17 ARISE OVER THE IMPLEMENTATION OF THE PLAN, IF ADOPTED, AND THE  
18 PROCEDURE THAT A PARTY TO ANY SUCH DISPUTE MAY UTILIZE FOR THIS  
19 PROCESS.

20 (3) THE DISINCORPORATION COMMISSION MAY MAKE FINDINGS AS TO  
21 THE EFFECT OF DISINCORPORATION UPON COLLATERAL MATTERS INCLUDING,  
22 BUT NOT LIMITED TO, PROPERTY VALUES, PUBLIC SERVICE LEVELS AND  
23 COSTS, AND LOCAL PROPERTY TAX RATES.

24 Sec. 19. (1) ~~Upon receiving the transcript of the proceed-~~  
25 ~~ings in submitting to a vote of the electors the question of~~  
26 ~~vacating the incorporation of any village, properly certified to~~  
27 ~~as provided in the preceding section, the county clerk shall lay~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

45

1 ~~the same before the board of supervisors of the county at its~~  
2 ~~next regular annual meeting, and it shall thereupon be the duty~~  
3 ~~of the board of supervisors to pass a resolution vacating the~~  
4 ~~incorporation of such village.~~ THE CLERK OF THE DISINCORPORATION  
5 COMMISSION SHALL PREPARE AND CERTIFY TO THE COUNTY CLERK OF EACH  
6 COUNTY WHERE THE VILLAGE IS LOCATED BALLOT LANGUAGE DESCRIBING  
7 THE PROPOSED DISINCORPORATION.

8       (2) THE CLERK OF THE DISINCORPORATION COMMISSION SHALL CER-  
9 TIFY THE PROPOSED DISINCORPORATION FOR INCLUSION ON THE BALLOT AT  
10 THE NEXT GENERAL ELECTION, THE STATE PRIMARY IMMEDIATELY PRECED-  
11 ING THE GENERAL ELECTION, OR A SPECIAL ELECTION NOT OCCURRING  
12 WITHIN 45 DAYS OF A STATE PRIMARY OR A GENERAL ELECTION, AS SPEC-  
13 IFIED BY THE CLERK OF THE DISINCORPORATION COMMISSION. HOWEVER,  
14 THE CLERK OF THE DISINCORPORATION COMMISSION SHALL NOT CERTIFY  
15 THE PROPOSED DISINCORPORATION FOR INCLUSION ON THE BALLOT AT AN  
16 ELECTION TO BE HELD LESS THAN 60 DAYS AFTER THE DATE OF  
17 CERTIFICATION.

18       (3) IF A SPECIAL ELECTION IS REQUESTED BY THE CLERK OF THE  
19 DISINCORPORATION COMMISSION, THE COUNTY CLERK OF THE COUNTY IN  
20 WHICH THE GREATEST NUMBER OF ELECTORS OF THE VILLAGE RESIDE SHALL  
21 REQUEST APPROVAL OF A SPECIAL ELECTION DATE FROM THE COUNTY ELEC-  
22 TION SCHEDULING COMMITTEE OF THAT CLERK'S COUNTY. THE PROPOSAL  
23 SHALL BE SUBMITTED TO THE QUALIFIED AND REGISTERED ELECTORS  
24 RESIDING IN THE VILLAGE AND EACH TOWNSHIP INTO WHICH THE VILLAGE  
25 IS PROPOSED TO BE DISINCORPORATED ON THE DATE APPROVED BY THAT  
26 COUNTY ELECTION SCHEDULING COMMITTEE.

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

46

1       Sec. 20. (1) ~~Upon the vacation of the incorporation of any~~  
2 ~~village, under the provisions of the preceding sections, it shall~~  
3 ~~be the duty of the officers of such village to forthwith deposit~~  
4 ~~all books, papers, records and files, relating to the organiza-~~  
5 ~~tion of, or belonging to such village, which are in their custody~~  
6 ~~as such officers, with the county clerk of the county in which~~  
7 ~~such village or the principal part thereof is located, for safe~~  
8 ~~keeping and reference. Upon the vacation or discontinuance of~~  
9 ~~any village incorporation, under the preceding sections, the~~  
10 ~~indebtedness of such village, whether bonded or otherwise, if any~~  
11 ~~there be, shall be assessed, levied and collected upon the terri-~~  
12 ~~tory embraced within the boundaries of such village immediately~~  
13 ~~prior to such vacation. It shall be the duty of the supervisor~~  
14 ~~or supervisors of the township or townships in which the terri-~~  
15 ~~tory formerly embraced within the limits of any vacated village~~  
16 ~~(within 1 year from the date of the vacation of such village,~~  
17 ~~except when such indebtedness falls due at some specified time,~~  
18 ~~in which case such assessment shall be made so as to meet such~~  
19 ~~indebtedness when the same falls due), to levy upon the assess-~~  
20 ~~ment roll or rolls of his township upon the property formerly~~  
21 ~~embraced within the limits of such village, the indebtedness of~~  
22 ~~such village, or such portion of the same as shall be apportioned~~  
23 ~~to the part of the territory formerly constituting such village~~  
24 ~~as lies within his township as hereinafter provided. The taxes~~  
25 ~~so assessed and levied shall be collected the same as other~~  
26 ~~taxes, and shall be placed in a separate fund and applied to the~~  
27 ~~payment of such indebtedness and the manner of the payment of~~

**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

47

1 ~~such indebtedness shall be fixed by the board of supervisors in~~  
2 ~~the resolution to be passed by said board vacating the incorpora-~~  
3 ~~tion of such village.~~ THE COUNTY ELECTION COMMISSION OF THE  
4 COUNTY IN WHICH THE GREATEST NUMBER OF ELECTORS OF THE VILLAGE  
5 RESIDE SHALL PROVIDE BALLOTS FOR THE ELECTION.

6 (2) THE CLERK AND ELECTION OFFICIALS OF THE VILLAGE AND EACH  
7 TOWNSHIP INTO WHICH THE VILLAGE IS PROPOSED TO BE DISINCORPORATED  
8 SHALL CONDUCT THE ELECTION ON THE PROPOSED DISINCORPORATION IN  
9 THE VILLAGE AND THE PORTIONS OF THE TOWNSHIP OUTSIDE THE BOUNDA-  
10 RIES OF THE VILLAGE, RESPECTIVELY.

11 (3) IF THE ELECTION ON THE PROPOSED DISINCORPORATION IS TO  
12 BE HELD IN CONJUNCTION WITH A GENERAL ELECTION OR A STATE PRIMARY  
13 ELECTION IMMEDIATELY PRECEDING A GENERAL ELECTION, THE NOTICES OF  
14 CLOSE OF REGISTRATION AND ELECTION SHALL BE PUBLISHED AS PROVIDED  
15 FOR BY THE STATE ELECTION LAWS. OTHERWISE, THE COUNTY CLERK OF  
16 THE COUNTY IN WHICH THE GREATEST NUMBER OF ELECTORS OF THE VIL-  
17 LAGE RESIDE SHALL PUBLISH THE NOTICES OF CLOSE OF REGISTRATION  
18 AND ELECTION. THE NOTICE OF CLOSE OF REGISTRATION SHALL INCLUDE  
19 THE BALLOT LANGUAGE OF THE PROPOSAL.

20 (4) THE RESULTS OF THE ELECTION ON THE PROPOSED DISINCORPO-  
21 RATION SHALL BE CANVASSED BY THE BOARD OF CANVASSERS OF THE VIL-  
22 LAGE AND THE BOARD OF CANVASSERS OF EACH TOWNSHIP IN WHICH THE  
23 VILLAGE IS LOCATED.

24 Sec. 21. (1) ~~In case the territory formerly embraced~~  
25 ~~within such vacated village shall consist of territory of 2 or~~  
26 ~~more townships in the same county, it shall be the duty of the~~  
27 ~~board of supervisors to apportion, among the several townships,~~

~~1 the amount of such indebtedness which each township shall bear,~~  
~~2 and in case such village was comprised of territory from 2 dif-~~  
~~3 ferent counties, it shall be the duty of the boards of supervi-~~  
~~4 sors of the 2 counties to determine what portion of such indebt-~~  
~~5 edness each county shall bear, using as a basis the last preced-~~  
~~6 ing assessment roll of such village prior to its vacation. Such~~  
~~7 indebtedness, when so apportioned, shall be assessed, levied and~~  
~~8 collected as provided in the preceding section.~~ THE PROPOSED  
9 DISINCORPORATION IS APPROVED BY THE ELECTORS AND SHALL TAKE PLACE  
10 PURSUANT TO THE PLAN IF A MAJORITY OF EACH OF THE FOLLOWING VOTES  
11 CAST ON THE QUESTION OF THE PROPOSED DISINCORPORATION ARE IN  
12 FAVOR OF THE DISINCORPORATION:

13 (A) THE VOTES CAST BY ELECTORS OF THE VILLAGE.

14 (B) THE VOTES CAST BY THE ELECTORS OF EACH TOWNSHIP INTO  
15 WHICH THE VILLAGE IS PROPOSED TO BE DISINCORPORATED, COUNTED SEP-  
16 ARATELY, AND EXCLUDING VOTES CAST BY RESIDENTS OF THE VILLAGE.

17 (2) UNLESS THE PROPOSED DISINCORPORATION IS APPROVED AS PRO-  
18 VIDED IN SUBSECTION (1), THE PROPOSED DISINCORPORATION IS DISAP-  
19 PROVED BY THE ELECTORS AND THE VILLAGE SHALL NOT BE  
20 DISINCORPORATED.

21 (3) A NEW PETITION SHALL NOT BE FILED UNDER SECTION 18A  
22 WITHIN 1 YEAR AFTER THE ELECTION IF THE DISINCORPORATION PLAN IS  
23 DISAPPROVED BY THE ELECTORS AT AN ELECTION HELD PURSUANT TO SEC-  
24 TION 20. HOWEVER, A NEW PETITION SHALL NOT BE FILED UNDER SEC-  
25 TION 18A WITHIN 4 YEARS AFTER THE ELECTORS VOTE ON A BALLOT QUES-  
26 TION UNDER SECTION 18A IF EITHER OF THE FOLLOWING OCCURS:



**HB5437, As Passed House, February 4, 1998**

House Bill No. 5437

49

1 (A) A MAJORITY OF THE ELECTORS VOTING ON THE BALLOT QUESTION  
2 VOTE "NO".

3 (B) THE COMMISSION FAILS TO ADOPT A DISINCORPORATION PLAN  
4 UNDER SECTION 18F OR THE CLERK OF THE DISINCORPORATION COMMISSION  
5 FAILS TO CERTIFY THE PROPOSED DISINCORPORATION PLAN UNDER SECTION  
6 19.

7 SEC. 23. THIS ACT MAY BE AMENDED BY A VILLAGE INCORPORATED  
8 UNDER THIS ACT BY COMPLYING WITH THE PROVISIONS GOVERNING THE  
9 AMENDMENT OF A CHARTER UNDER THE HOME RULE VILLAGE ACT, 1909 PA  
10 278, MCL 78.1 TO 78.28.

11 Enacting section 1. The following sections of the general  
12 law village act, 1895 PA 3, are repealed:

13 14 15 <u>Section Numbers</u>	Chapter Number	Michigan Compiled Laws <u>Section Number</u>
16 22a	IX	69.22a
17 5, 7, and 8	X	70.5, 70.7, and 70.8
18 2	XII	72.2
19 6 to 36	XIII	73.6 to 73.36
20 9, 11, 13, and 15	XIV	74.9, 74.11, 74.13, 21 and 74.15

22 Enacting section 2. This amendatory act does not take  
23 effect unless House Bill No. 5438 is enacted into law.