

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895
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74.4 Repealed. 1974, Act 4, Imd.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Compiler's Notes: The repealed section pertained to bonds for payment of judgments or decrees.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

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.

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

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.

(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

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

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

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.
- (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

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

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