

HOUSE BILL No. 4122

February 9, 1989, Introduced by Reps. Honigman, Willis Bullard, Munsell, Dunaskiss and Jondahl and referred to the Committee on Taxation.

A bill to amend sections 6, 7, and 12 of chapter VII and section 2 of chapter IX of Act No. 3 of the Public Acts of 1895, entitled as amended

"An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages,"

being sections 67.6, 67.7, 67.12, and 69.2 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 6, 7, and 12 of chapter VII and section
2 2 of chapter IX of Act No. 3 of the Public Acts of 1895, being
3 sections 67.6, 67.7, 67.12, and 69.2 of the Michigan Compiled
4 Laws, are amended to read as follows:

CHAPTER VII

1
2 Sec. 6. (1) The council ~~shall have authority to~~ MAY lay
3 out, establish, ~~or~~ vacate, ~~and~~ discontinue, ~~public parks and~~
4 ~~grounds within the village, and to~~ improve, light, ~~and~~ orna-
5 ment, ~~the same,~~ and ~~to~~ regulate the use ~~thereof, and to pro~~
6 ~~tect the same and the~~ OF PUBLIC PARKS AND GROUNDS WITHIN THE
7 VILLAGE. THE COUNCIL MAY PROTECT PUBLIC GROUNDS AND PARKS AND
8 THEIR appurtenances ~~thereof~~ from obstruction, encroachment, and
9 injury.

10 (2) IF THE COST INCURRED IN THE EXERCISE OF THE POWERS
11 GRANTED BY THIS SECTION AND SECTION 4 OF THIS CHAPTER WITH
12 RESPECT TO A PUBLIC PARK IS RECOVERED ENTIRELY BY SPECIAL ASSESS-
13 MENTS, THE COUNCIL MAY LIMIT ACCESS TO THE PUBLIC PARK TO THE
14 OWNERS AND OCCUPANTS OF PROPERTY IN THE SPECIAL ASSESSMENT DIS-
15 TRICT AND THEIR GUESTS AND PATRONS.

16 Sec. 7. The council shall ~~have supervision~~ SUPERVISE and
17 control ~~of all~~ public highways, bridges, streets, avenues,
18 alleys, sidewalks, PARKING FACILITIES, and public grounds within
19 the village ~~—~~ and shall have the like authority over the same
20 as is given by the general laws of the state. ~~No~~ A village
21 subject to the provisions of this act ~~shall be~~ IS NOT liable
22 ~~in~~ FOR damages sustained by ~~any~~ A person in ~~such~~ THE vil-
23 lage ~~— either~~ to his OR HER person or property ~~—~~ by reason of
24 ~~any~~ A defective street, sidewalk, crosswalk, PARKING FACILITY,
25 or public highway ~~—~~ WITHIN THE VILLAGE or by reason of ~~any~~ AN
26 obstruction, ice, snow, or other ~~incumbrance~~ ENCUMBRANCE upon
27 such A street, sidewalk, crosswalk, PARKING FACILITY, or public

1 highway, ~~situated in such village unless such person shall serve~~
2 ~~or cause to be served~~ UNLESS THE PERSON SERVES, within 60 days
3 after ~~such~~ THE injury ~~shall have occurred~~ OCCURS, a notice in
4 writing upon the clerk or deputy clerk of ~~such~~ THE village. ~~7~~
5 ~~which~~ THE notice shall set forth substantially the time when and
6 place where ~~such~~ THE injury took place, the manner in which it
7 occurred, ~~and~~ the KNOWN extent of ~~such~~ THE injury, ~~as far as~~
8 ~~the same has become known,~~ and that the person receiving ~~such~~
9 THE injury intends to hold ~~such~~ THE village liable for ~~such~~
10 damages. ~~as may have been sustained by him: Provided, That the~~
11 ~~bridges~~ HOWEVER, IF A BRIDGE IS OR IS TO BE within the limits of
12 ~~any~~ A village incorporated under this act ~~in the highways~~
13 ~~leading~~ ON A HIGHWAY THAT LEADS into or through the ~~said~~ vil-
14 lage ~~which have been laid out or shall hereafter be laid out by~~
15 ~~the commissioner of highways of the township or townships in~~
16 ~~which said village may be located, or~~ AND THAT IS laid out by
17 ~~any other~~ AN authority other than ~~that of said~~ THE village,
18 THE BRIDGE shall be built, controlled, and kept in repair by the
19 township or townships in which the ~~same may be~~ BRIDGE IS
20 located, the same as if ~~said~~ THE village were not
21 incorporated. ~~and the fact that any such highways are~~ IF A
22 HIGHWAY THAT LEADS INTO OR THROUGH THE VILLAGE IS laid out and
23 used as ~~such~~ A HIGHWAY at the time of ~~such~~ incorporation of
24 ~~said~~ THE village, ~~shall be deemed sufficient to make the same~~
25 ~~township highways,~~ IT IS A TOWNSHIP HIGHWAY, and the township or
26 townships in which ~~they may be~~ IT IS located ARE liable ~~as~~
27 ~~aforsaid, and all other~~ TO BUILD, CONTROL, AND KEEP IN REPAIR A

1 BRIDGE IN THE HIGHWAY. OTHER bridges in ~~said~~ A village shall
2 be built, controlled, and kept in repair by ~~said~~ THE village.

3 Sec. 12. (1) The council ~~shall have power to~~ MAY lay
4 out, establish, open, make, widen, extend, straighten, alter,
5 close, vacate, or abolish ~~any~~ A highway, street, PARKING
6 FACILITY, lane, alley, sidewalk, sewer, drain, water course,
7 bridge, or culvert in the village ~~whenever they shall deem the~~
8 ~~same~~ IF THE COUNCIL CONSIDERS IT a public improvement ~~,~~ or
9 necessary for the public convenience. ~~, and if~~ IF in so doing
10 it ~~shall be~~ IS necessary to take or use private property, the
11 ~~same~~ PROPERTY may be taken in the manner provided in this act.
12 The expense of ~~such~~ THE improvement may be paid by special
13 assessments upon the property adjacent to or benefited by ~~such~~
14 THE improvement, LEVIED AND COLLECTED in the manner PROVIDED in
15 this act, ~~provided for levying and collecting special assess-~~
16 ~~ments, or in the discretion of the council,~~ OR a portion of
17 ~~such~~ THE costs and expenses may be paid by special assessments,
18 ~~as aforesaid,~~ and the balance from the general highway fund.

19 (2) IF THE COST INCURRED IN THE EXERCISE OF THE POWERS
20 GRANTED BY THIS SECTION AND SECTION 7 WITH RESPECT TO A PARKING
21 FACILITY IS RECOVERED ENTIRELY BY SPECIAL ASSESSMENTS, THE COUN-
22 CIL MAY LIMIT ACCESS TO THE PARKING FACILITY TO THE OWNERS AND
23 OCCUPANTS OF PROPERTY IN THE SPECIAL ASSESSMENT DISTRICT AND
24 THEIR GUESTS AND PATRONS.

25 CHAPTER IX

26 Sec. 2. The council ~~shall also have power to~~ MAY raise,
27 by general tax upon ~~all~~ real estate and personal property

1 ~~aforsaid, such~~ LIABLE TO TAXATION IN THE VILLAGE A sum not
2 exceeding 1/2 of 1% ~~per cent~~ of the assessed value of ~~said~~
3 THE property, ~~as they shall deem necessary~~ for highway and
4 street purposes. ~~Such moneys~~ THAT MONEY shall constitute a
5 "general highway fund," and shall be expended exclusively for
6 working and improving the highways, streets, lanes, and alleys of
7 the village and for the construction and repair of bridges
8 ~~therein~~ AND PARKING FACILITIES IN THE VILLAGE.