

HOUSE BILL No. 4129

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

A bill to amend section 3 of chapter XX, sections 1 and 2 of chapter XXII, and section 3 of chapter XXX of Act No. 215 of the Public Acts of 1895, entitled as amended

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

being sections 100.3, 102.1, 102.2, and 110.3 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of chapter XX, sections 1 and 2 of
2 chapter XXII, and section 3 of chapter XXX of Act No. 215 of the
3 Public Acts of 1895, being sections 100.3, 102.1, 102.2, and

1 110.3 of the Michigan Compiled Laws, are amended to read as
2 follows:

3 CHAPTER XX

4 Sec. 3. (1) The council ~~shall have authority to~~ MAY lay
5 out, establish, ~~and~~ enlarge, ~~or~~ vacate and discontinue,
6 ~~public grounds and parks within the city, and to~~ improve,
7 light, ~~and~~ ornament, ~~the same, and to regulate the~~ care
8 ~~thereof, and to protect the same and the~~ FOR PUBLIC GROUNDS AND
9 PARKS WITHIN THE CITY. THE COUNCIL MAY PROTECT PUBLIC GROUNDS
10 AND PARKS AND THEIR appurtenances ~~thereof~~ from ~~obstructions~~
11 OBSTRUCTION, encroachment, ~~and~~ injury, and ~~from all nuisances~~
12 NUISANCE.

13 (2) IF THE COST INCURRED IN THE EXERCISE OF THE POWERS
14 GRANTED BY THIS SECTION AND SECTION 1 OF THIS CHAPTER WITH
15 RESPECT TO A PUBLIC PARK IS RECOVERED ENTIRELY BY SPECIAL ASSESS-
16 MENTS, THE COUNCIL MAY LIMIT ACCESS TO THE PUBLIC PARK TO THE
17 OWNERS AND OCCUPANTS OF PROPERTY IN THE SPECIAL ASSESSMENT DIS-
18 TRICT AND THEIR GUESTS AND PATRONS.

19 CHAPTER XXII

20 Sec. 1. (1) The council shall ~~have supervision~~ SUPERVISE
21 and control ~~of all~~ public highways, bridges, streets, avenues,
22 alleys, sidewalks, PARKING FACILITIES, and public grounds within
23 the city ~~and shall cause the same to be kept~~ KEEP THEM in
24 repair ~~and free from nuisance. No~~

25 (2) A city subject to the provisions of this act ~~shall be~~
26 IS NOT liable in damages sustained by ~~any~~ A person in ~~such~~
27 THE city ~~either~~ to his OR HER person or property by reason of

1 ~~any~~ A defective street, sidewalk, crosswalk, or public highway
2 ~~any~~ WITHIN THE CITY or by reason of ~~any~~ AN obstruction, ice,
3 snow, or other encumbrance upon such A street, sidewalk,
4 crosswalk, or public highway ~~situated in such city,~~ unless
5 ~~such~~ THE person ~~shall serve or cause to be served~~ SERVES,
6 within 60 days after ~~such~~ THE injury ~~shall have occurred~~
7 OCCURS, a notice in writing upon the clerk or the deputy clerk of
8 ~~such~~ THE city. ~~which~~ THE notice shall set forth substan-
9 tially the time when and place where ~~such~~ THE injury took
10 place, the manner in which it occurred, ~~and~~ the KNOWN extent of
11 ~~such~~ THE injury, ~~as far as the same has become known,~~ and
12 that the person receiving ~~such~~ THE injury intends to hold
13 ~~such~~ THE city liable for ~~such~~ damages. ~~as may have been~~
14 ~~sustained by him. No~~

15 (3) A city ~~shall be~~ IS NOT responsible for the ~~care,~~
16 improvement or repair of ~~any~~ A street or alley laid out or ded-
17 icated to public use by ~~the proprietors of any lands which had~~
18 ~~not been~~ A PROPRIETOR OF LAND BEFORE THE INCORPORATION OF THE
19 CITY UNDER THIS ACT UNLESS THE STREET OR ALLEY WAS actually
20 accepted, worked, and used by the public as a street or alley
21 before the incorporation of the city under this act. ~~nor~~ A
22 CITY IS NOT RESPONSIBLE for the improvement ~~and~~ OR repair of
23 ~~any~~ A street or alley laid out or dedicated TO PUBLIC USE by
24 ~~any such~~ A proprietor OF LAND after such incorporation, unless
25 the dedication ~~shall have been~~ IS accepted and confirmed by the
26 council by an ordinance or resolution specially passed for that
27 purpose.

1 Sec. 2. (1) The council ~~shall have authority to~~ MAY lay
2 out, open, widen, extend, straighten, alter, close, vacate, or
3 abolish ~~any~~ A highway, street, ~~or~~ alley, OR PARKING FACILITY
4 in the city, ~~whenever they shall deem the same~~ IF THE COUNCIL
5 CONSIDERS IT a public improvement. ~~and if~~ IF in so doing it
6 ~~shall be~~ IS necessary to take or use private property, the
7 ~~same~~ PROPERTY may be taken in the manner in this act provided
8 for taking private property for public use. The expense of
9 ~~such~~ THE improvement may be paid by special assessments upon
10 the property adjacent to or benefited by ~~such~~ THE improvement,
11 LEVIED AND COLLECTED in the manner PROVIDED in this act ~~provided~~
12 ~~for levying and~~ FOR collecting special assessments, ~~or in~~
13 ~~the discretion of the council,~~ a portion of ~~such~~ THE costs and
14 expenses may be SO paid by special assessments, ~~as aforesaid,~~
15 and the balance from the general street fund.

16 (2) IF THE COST INCURRED IN THE EXERCISE OF THE POWERS
17 GRANTED BY THIS SECTION AND SECTION 1 OF THIS CHAPTER WITH
18 RESPECT TO A PARKING FACILITY IS RECOVERED ENTIRELY BY SPECIAL
19 ASSESSMENTS, THE COUNCIL MAY LIMIT ACCESS TO THE PARKING FACILITY
20 TO THE OWNERS AND OCCUPANTS OF PROPERTY IN THE SPECIAL ASSESSMENT
21 DISTRICT AND THEIR GUESTS AND PATRONS.

22 CHAPTER XXX

23 Sec. 3. The revenues raised by general tax upon all the
24 property in the city or by loan to be repaid by such tax shall be
25 divided into so many of the following general funds as are
26 necessary: ~~—~~

1 (A) ~~First,~~ Contingent fund, ~~---to defray~~ FOR the
2 contingent and other expenses of the city for the payment of
3 which from some other fund no provision is made. ~~---~~

4 (B) ~~Second,~~ Fire department fund, ~~---to defray the~~
5 ~~expenses of~~ FOR purchasing grounds, erecting engine houses
6 ~~thereon~~ ON THE GROUNDS, purchasing engines and other fire appa-
7 ratus, and ~~all~~ other expenses necessary to maintain the fire
8 department of the city. ~~---~~

9 (C) ~~Third,~~ General street fund, ~~---to defray the expenses~~
10 ~~of~~ FOR opening, widening, extending, altering, ~~and~~ vacating,
11 ~~streets, alleys and public grounds, and for~~ grading, paving,
12 curbing, graveling, ~~and otherwise~~ improving, repairing, and
13 clearing the streets, alleys, PARKING FACILITIES, and public
14 grounds of the city ~~---~~ and for the construction, MAINTENANCE,
15 and repair of sidewalks and ~~cross walks, and for the care~~
16 ~~thereof,~~ CROSSWALKS.

17 (D) ~~Fourth,~~ General sewer fund ~~---~~ ~~to defray the~~
18 ~~expenses of~~ FOR sewers, drains, ditches, and drainage ~~---~~ and
19 FOR the improvement of ~~water courses,~~ WATERCOURSES.

20 (E) ~~Fifth,~~ Bridge fund, ~~---~~ for the construction and main-
21 tenance of bridges. ~~---~~

22 (F) ~~Sixth,~~ Water fund, ~~---~~ for maintaining and extending a
23 system of waterworks, ~~and for~~ constructing reservoirs and cis-
24 terns, and providing other supplies of water. ~~---~~

25 (G) ~~Seventh,~~ Public building fund, ~~---~~ for providing for
26 public buildings; ~~---~~ ~~and~~ for the purchase of ~~lands therefor,~~
27 LAND FOR PUBLIC BUILDINGS; and for the erection, preservation,

1 and repair of ~~any such~~ public buildings ~~, city hall, offices,~~
2 ~~prisons, watch houses and hospitals as~~ THAT the council is
3 authorized to erect and maintain ~~,~~ and THAT ARE not ~~herein~~
4 otherwise provided for ~~,~~ IN THIS ACT.

5 (H) ~~Eighth,~~ Police fund~~,~~---for the maintenance of the
6 police of the city ~~,~~ and ~~to defray the expenses of~~ FOR the
7 arrest and punishment of those violating the ordinances of the
8 city. ~~,~~

9 (I) ~~Ninth,~~ Cemetery fund. ~~,~~

10 (J) ~~Tenth,~~ Interest and sinking fund~~,~~---for the payment
11 of the PRINCIPAL OF AND INTEREST ON THE public debt of the city.
12 ~~and the interest thereon,~~

13 (K) ~~Eleventh,~~ Park fund~~,~~---for the purchase of grounds
14 for public parks and the maintenance and improvement ~~thereof,~~
15 OF PUBLIC PARKS.

16 (L) ~~Twelfth,~~ Light fund~~,~~---for the construction,
17 purchase, and maintenance of ~~electric or other~~ lights. ~~,~~

18 (M) ~~Thirteenth, Such other~~ OTHER funds ~~as~~ THAT the coun-
19 cil may ~~from time to time~~ constitute.