



HOUSE BILL No. 4302

February 18, 1993, Introduced by Reps. Mathieu, Middaugh, Wetters, Shepich, McNutt, Brown, O'Neill, Stille, Dalman, Goschka, DeMars, Jaye, Bobier, Horton and Pitoniak and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 26 of Act No. 278 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; and to validate bonds issued and obligations previously incurred,"

being section 78.26 of the Michigan Compiled Laws; and to add section 24c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 26 of Act No. 278 of the Public Acts of
2 1909, being section 78.26 of the Michigan Compiled Laws, is
3 amended and section 24c is added to read as follows:

4 SEC. 24C. A VILLAGE MAY ACQUIRE BY PURCHASE OR CONDEMNATION
5 PURSUANT TO THE UNIFORM CONDEMNATION PROCEDURES ACT, ACT NO. 87
6 OF THE PUBLIC ACTS OF 1980, BEING SECTIONS 213.51 TO 213.77 OF

1 THE MICHIGAN COMPILED LAWS, LAND OUTSIDE ITS CORPORATE LIMITS
2 NECESSARY FOR THE DISPOSAL OF SEWAGE OR THE OBTAINING OR PROTEC-
3 TION OF A WATER SUPPLY FOR THE VILLAGE OR THE INHABITANTS OF THE
4 VILLAGE IF THE PROPOSED USE WILL NOT MATERIALLY INJURE THE HEALTH
5 OR SAFETY OF THE PERSONS LIVING ADJACENT TO THE LAND.

6 Sec. 26. (1) ~~No~~ A village shall ~~have power~~ NOT DO ANY
7 OF THE FOLLOWING:

8 (a) ~~To submit~~ SUBMIT to the electors a charter or a revi-
9 sion ~~thereof~~ OF A CHARTER more often than once in every 2 years
10 ~~, nor unless it shall be filed~~ OR FILE IT with the village
11 clerk LESS THAN 90 days before the election. This ~~provision~~
12 ~~shall~~ SUBDIVISION DOES not apply to the submission and resubmis-
13 sion of charters to villages ~~which~~ THAT may be incorporated
14 under this act until they ~~shall~~ have first adopted a charter.

15 (b) ~~To call~~ CALL more than 2 special elections within 1
16 year. This prohibition ~~shall~~ DOES not apply to elections
17 ~~which~~ THAT may be held in the submission and resubmission of
18 charters to villages ~~which~~ THAT may be incorporated under this
19 act until they ~~shall~~ have first adopted a charter.

20 (c) ~~To change~~ CHANGE the salary or emoluments of a public
21 official after his OR HER election or appointment, or during his
22 OR HER term of office, where the office is held for a fixed term,
23 nor shall the term of a public official be shortened or extended
24 beyond the period for which he OR SHE is elected or appointed,
25 unless he ~~be~~ OR SHE IS removed for cause.

26 (d) ~~To adopt~~ ADOPT a charter or amendment ~~thereto~~ TO A
27 CHARTER, unless approved by a majority of the electors voting

1 ~~thereon~~ ON THE CHARTER OR AMENDMENT at a general or special
2 election.

3 (e) ~~To authorize~~ AUTHORIZE an issue of bonds, except spe-
4 cial assessment bonds, bonds for the village portion of local
5 improvements, not to exceed 40% of the cost of the improvement,
6 refunding bonds, bonds for relief from fire, flood, or calamity,
7 or for payment of judgments, and bonds ~~which~~ THAT the legisla-
8 tive body is authorized by specific statute to issue without vote
9 of the electors, unless approved by a majority of the electors
10 voting ~~thereon~~ ON THE ISSUANCE OF THE BONDS at a general or
11 special election.

12 (f) ~~To adopt~~ ADOPT a scheme for exemption from municipal
13 taxation.

14 ~~(g) A village, whether incorporated under this act or under~~
15 ~~an existing charter of the village heretofore granted or passed~~
16 ~~by the legislature for the government of a village, may acquire,~~
17 ~~by purchase or condemnation proceedings, land without its corpo-~~
18 ~~rate limits necessary for the disposal of sewage or the obtaining~~
19 ~~or protection of a water supply for the village or the inhab-~~
20 ~~itants thereof. The jury in condemnation proceedings shall con-~~
21 ~~sist of 12 freeholders drawn from the body of the county, and if~~
22 ~~they shall determine that such use is necessary, and that the use~~
23 ~~proposed will not materially injure the health or safety of the~~
24 ~~persons living adjacent to the land, they shall award the compen-~~
25 ~~sation to be paid therefor. Other proceedings in such cases~~
26 ~~shall conform to the general law authorizing cities and villages~~
27 ~~to take or hold land or property within their corporate limits.~~

1 (G) ~~(h) To repudiate~~ REPUDIATE a debt by a change in its
2 charter or by consolidation with any other municipality.

3 (H) ~~(i) To incur~~ INCUR indebtedness by the issue of bonds,
4 or otherwise, in a sum ~~which~~ THAT, including existing indebted-
5 ness, exceeds 10% of the assessed valuation of the real and per-
6 sonal property within the village subject to taxation, as shown
7 by the last preceding assessment roll of the village. Bonds
8 issued in anticipation of the collection of special assessments,
9 even though they are a general obligation of the village, motor
10 vehicle highway fund bonds, revenue bonds, and bonds issued, or
11 contract or assessment obligations incurred, to comply with an
12 order of the water resources commission or a court of competent
13 jurisdiction, even though they are a general obligation of the
14 village, ~~and~~ bonds issued, or contract or assessment obliga-
15 tions incurred, for water supply, sewerage, drainage, or refuse
16 disposal projects necessary to protect the public health by abat-
17 ing pollution, even though they are a general obligation of the
18 village, ~~shall~~ AND BONDS ISSUED FOR THE CONSTRUCTION, IMPROVE-
19 MENT, OR REPLACEMENT OF A COMBINED SEWER OVERFLOW ABATEMENT
20 FACILITY ARE not ~~be~~ included in this limitation. ~~Moneys~~
21 MONEY on hand in a sinking fund limited to the payment of indebt-
22 edness may be treated as a reduction of the indebtedness to that
23 extent. In case of fire, flood, or other calamity requiring an
24 emergency fund for the relief of the inhabitants of the village,
25 or for the repairing or rebuilding of any of its municipal build-
26 ings, works, bridges, or streets, the legislative body of the
27 village may borrow money due in not more than 3 years and in an

1 amount not exceeding 1/4 of 1% of the assessed valuation of the
2 village, notwithstanding THAT the loan may increase the indebted-
3 ness of the village beyond the limitations fixed by its charter
4 or in this act. ~~When~~ IF a village is authorized to acquire or
5 operate a public utility, it may issue mortgage bonds ~~therefor~~
6 FOR THAT PURPOSE beyond the general limit of bonded indebtedness
7 prescribed by law. The mortgage bonds issued beyond the limit of
8 general indebtedness prescribed by law shall not impose a liabil-
9 ity upon the village, but shall be secured only upon the property
10 and revenues of the public utility, including a franchise, stat-
11 ing the terms upon which, in case of foreclosure, the purchaser
12 may operate the ~~same~~ PUBLIC UTILITY. ~~, which~~ THE franchise
13 shall ~~in no case~~ NOT extend for a period longer than 20 years
14 from the date of the sale of the PUBLIC utility and franchise on
15 foreclosure. ~~All bonds heretofore~~ BONDS issued, or contract or
16 assessment obligations ~~heretofore~~ incurred, BEFORE JULY 31,
17 1973 are ~~hereby~~ validated. AS USED IN THIS SUBDIVISION:

18 (i) "COMBINED SEWER OVERFLOW" MEANS A DISCHARGE FROM A COM-
19 BINED SEWER SYSTEM THAT OCCURS WHEN THE FLOW CAPACITY OF THE COM-
20 BINED SEWER SYSTEM IS EXCEEDED.

21 (ii) "COMBINED SEWER OVERFLOW ABATEMENT FACILITY" MEANS
22 WORKS, INSTRUMENTALITIES, OR EQUIPMENT NECESSARY OR APPROPRIATE
23 TO ABATE COMBINED SEWER OVERFLOWS.

24 (iii) "COMBINED SEWER SYSTEM" MEANS A SEWER DESIGNED AND
25 USED TO CONVEY BOTH STORM WATER RUNOFF AND SANITARY SEWAGE, AND
26 THAT CONTAINS LAWFULLY INSTALLED REGULATORS AND CONTROL DEVICES
27 THAT ALLOW FOR DELIVERY OF SANITARY FLOW TO TREATMENT DURING DRY

1 WEATHER PERIODS AND DIVERT STORM WATER AND SANITARY SEWAGE TO
2 SURFACE WATERS DURING STORM FLOW PERIODS.

3 (iv) "CONSTRUCTION" MEANS ANY ACTION UNDERTAKEN IN THE
4 DESIGNING OR BUILDING OF A COMBINED SEWER OVERFLOW ABATEMENT
5 FACILITY. THIS TERM INCLUDES, BUT IS NOT LIMITED TO, ALL OF THE
6 FOLLOWING:

7 (A) ENGINEERING SERVICES.

8 (B) LEGAL SERVICES.

9 (C) FINANCIAL SERVICES.

10 (D) DESIGN OF PLANS AND SPECIFICATIONS.

11 (E) ACQUISITION OF LAND OR STRUCTURAL COMPONENTS.

12 (F) BUILDING, ERECTION, ALTERATION, REMODELING, OR EXTENSION
13 OF A COMBINED SEWER OVERFLOW ABATEMENT FACILITY.

14 (G) VILLAGE SUPERVISION OF THE PROJECT ACTIVITIES DESCRIBED
15 IN SUB-SUBPARAGRAPHS (A) TO (F).

16 (v) "IMPROVEMENT" MEANS ANY ACTION UNDERTAKEN TO EXPAND,
17 REHABILITATE, OR RESTORE A COMBINED SEWER OVERFLOW ABATEMENT
18 FACILITY.

19 (vi) "REPLACEMENT" MEANS ACTION TAKEN TO OBTAIN AND INSTALL
20 EQUIPMENT, ACCESSORIES, OR APPURTENANCES DURING THE USEFUL LIFE
21 OF A COMBINED SEWER OVERFLOW ABATEMENT FACILITY NECESSARY TO
22 MAINTAIN THE CAPACITY AND PERFORMANCE FOR WHICH THE EQUIPMENT,
23 ACCESSORIES, OR APPURTENANCES ARE DESIGNED AND CONSTRUCTED.

24 (I) ~~(j) To lay~~ LAY or collect taxes for municipal purposes
25 except as otherwise provided by law, at a rate in excess of 2% of
26 the assessed value of all real and personal property in the
27 village.

1 (J) ~~(k) To issue~~ ISSUE bonds without creating a sinking
2 fund for the payment of the ~~same~~ BONDS, except special assess-
3 ment bonds ~~which~~ THAT are a charge upon a special district cre-
4 ated for the payment ~~thereof~~ OF THE BONDS, and serial bonds
5 payable annually.