

**THE FOURTH CLASS CITY ACT (EXCERPT)**  
**Act 215 of 1895**

**91.5 Franchise rights in streets; council vote; private damage suits.**

Sec. 5.

The council of any city shall have authority to permit any railroad company or street railway company to lay its track, and operate its road with steam, electric or other power, in or across the streets, highways and public alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe; and to prohibit the laying of such track, or the operating of any such road, except upon such terms and conditions. But such permission shall not affect the right or claim of any person for damages sustained by reason of the construction or location of any such railroad or street railway: Provided, That no franchise for the use or occupancy of any street for any purpose shall be granted to an individual, company or corporation, except by a 2/3 vote of all the aldermen elect, nor shall any such franchise be granted for a period exceeding 30 years.

**History:** 1895, Act 215, Eff. Aug. 30, 1895 ;-- CL 1897, 3111 ;-- CL 1915, 3025 ;-- CL 1929, 1949 ;-- CL 1948, 91.5