

public forest, grounds and buildings, for the village prison, hospital, pest house and for disposal of sewage and garbage, parks and for obtaining or protecting a water supply for the village, may be purchased, leased, erected, furnished and maintained beyond the corporate limits of the village; and in such cases the Commission shall have authority to enforce beyond the corporate limits of the village all over such lands, buildings and property, in the same manner and to the same extent as if they were within the village, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, pest house or hospital.

Public Parks

Section 21. The Commission shall have authority to lay out, establish or vacate, and discontinue public parks and grounds and to improve, light and ornament the same, and to regulate the use thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment or injury; provided, however, that such park or grounds shall not be vacated or discontinued, except on a three-fifths vote of the electors voting thereon at any general or special election.

Damages For Injuries Received on Public Property

Section 22. The Commission shall have supervision and control over all public highways, bridges, tunnels, subways, streets, avenues, alleys, sidewalks and public grounds within the village, and shall have the like authority over the same as is given by the general laws of the State. The village shall not be liable in damages sustained by any person in the village, either to his person or property by reason of a defective street, sidewalk, crosswalk, or public highway or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk, or public highway, situated in the village, unless such person shall have or cause to be served within sixty days after such injury shall have occurred a notice in writing upon the clerk or deputy clerk of the village, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and the names of the witnesses as to the fact of the happening of the accident complained of which are known at that time by said claimant, and that the person receiving such injury intends to hold the village liable for such damages as may have been sustained by him; provided that the bridges within the limits of this village in the highways leading into or through this village which have been laid out or shall hereafter be laid out by the Commissioner of Highways of the township in which said village is located, or laid out by any other authority than that of said village shall be built, controlled and kept in repair by the township in which the same may be located, the same if the village were not incorporated, and all other bridges in said village shall be built, controlled and kept in repair by said village. By the foregoing provision of this section, it is intended to adopt Section 2646 of the Compiled Laws of the State of Michigan of 1915, as a part of the charter.

Sidewalks—How Maintained

Section 23. The Commission shall have control of all sidewalks in the public streets and alleys of the village, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair, sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such sidewalks. The Commission shall also have authority to require the owners and occupants of lots and premises to build, repair and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and by the same upon such lines and grades, and of such width, materials and manner of construction, and within such time as the Commission shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the Commission may by a four-fifths vote of all the Commissioners elected pay such part of the expense of building or rebuilding, maintaining and keeping in repair such walk as they may deem proper from the highway fund.

Snow and Obstructions on Walks

Section 24. The Commission shall also have power by general ordinance to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances; provided that the Commission may by a four-fifths vote of all the Commissioners elected, provide by ordinance for the removing of all ice or snow therefrom, and for keeping the same free from incumbrances and pay the expense thereof from the highway fund.

Village May Construct Sidewalks

Section 25. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in Section 23 above, or shall fail to keep same in repair, or to remove the snow, ice or filth therefrom, or to remove and keep same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the Commission in respect to such sidewalks, within such time and such manner as the Commission shall require, the Commission may cause the same to be done and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the Commission may cause the amount of all expenses incurred thereby, together with a penalty of ten per cent in addition thereto, to be reported to the Assessor, to be levied by him as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessments provided for in this charter; and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the Commission shall order the assessor of the village to spread said amount, together with such penalty, upon his roll as a special assessment upon

such lot or premises, and the same shall be collected in the same manner as other village taxes; or the village may collect such amount together with penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

Regulations of Signs and Awnings Over Walks

Section 26. The Commission shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, to regulate, license or prohibit the construction and use of openings in the sidewalks, and all vaults, structures and excavations under the same, and to regulate, license or prohibit the erection or maintenance of signs, billboards and all other outdoor advertising devices.

Section 27. The Commission shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate or abolish any highway, right of way, street, lane, alley, sidewalk, sewer, drain, water course, bridge or culvert in the village whenever it shall deem the same a public improvement or necessary for the public convenience; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner provided by law. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvements, in the manner in this charter provided for levying and collecting special assessments, or in the discretion of the Commission, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general highway fund.

Vacation of Streets

Section 28. When the Commission shall deem it advisable to vacate, discontinue or abolish any highway, street, lane, alley or public ground, or any part thereof, it shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto; notice of such meetings, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Commission may be filed with the Clerk in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a vote of four-fifths of the members elect of the Commission.

Section 29. The Commission may cause all public streets, alleys and public grounds to be surveyed and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the Village Clerk, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by them to be recorded in like manner, and such record shall be prima facie evidence of the existence of such alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

Grade of Streets

Section 30. The Commission shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the village, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds, to be made and constructed in conformity with such grade; and the Commission may change or alter the grade of any street, alley or public ground, or any part thereof whenever in its opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram hereof shall be made in the book of street records in the office of the Village Clerk.

Compensation For Changing Grade

Section 31. Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established, and improvement shall hereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained as in case of the appropriation of property, or said damages may be ascertained and agreed upon by and between the village and the owner or occupant of such premises. Whenever such damages shall be ascertained or agreed upon, as heretofore provided, such damages or such part thereof as the Commission shall deem equitable and just, shall be paid by the village, or the Commission may cause such damages, or such part thereof as may be just and proper, subject to the limitation as to amount contained in Section 1 of Chapter XI of this charter, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the Commission shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine, and define a district in the village which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion to the benefit to be derived therefrom, or the improvement out of which said damages arise; but the property or account of which said damages arise; but the property shall not be included in said district. The assessment shall be made and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets, as provided for in this charter, and all of the provisions of Chapter XI of this charter relative to special assessments and the collection thereof, shall apply thereto. Such damages when collected as aforesaid, or when determined upon by the village, shall be paid to the person entitled thereto.

Improving and Repairing Streets

Section 32. The Commission shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank or otherwise improve and repair the highways, streets, lanes, avenues and alleys of the village. Any such work may be done by

contract let after competitive bidding or may be done by employees of the village by and under the supervision and direction of the superintendent of public works.

Section 33. The expense of constructing and maintaining bridges, tunnels and subways, and the whole, or such part as the Commission shall determine, of the expenses of improving and working, including grading and graveling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the village, subject to the limitations and provisions of Section 35 of this charter. The expense of grading, paving and graveling or otherwise improving any street may, subject to the limitations as to amount prescribed in Section 1 of Chapter XI, be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street or a part of such expense may be so paid, and the remainder may be paid from the general highway fund, as the Commission may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid shall constitute a special assessment district. The term paving shall include curbing and the construction of crosswalks and the necessary sewer and water connections for abutting lots in the paved streets.

Portion Paid From General Highway Fund

Section 34. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the village, school buildings or other public buildings or public grounds not taxable, fronting upon such improvements, such part of the expense of such improvement as in the opinion of the Commission or Board of Assessors make the special assessment would be justly apportionable to such public grounds, buildings and village property, and to any interior squares or spaces formed by the intersection of streets and alleys; were they taxable, shall be paid from the general highway fund, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to the frontage would be unjust and disproportionate to the assessment upon other lots, the Commission or Board of Assessment and Review making the assessments may assess such lot for such number of feet frontage as in their opinion will be just.

Repaving and Repairing Streets

Section 35. No special assessment shall be made to defray the cost, or any portion of the cost of repaving or repairing any street, lane or alley.

Street Regulations - Obstructions in Streets

Section 36. The Commission shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets and alleys of the village, and to remove the same; and to punish those who shall obstruct, encumber or maintain any encroachment upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

Regulation of Shade Trees and Ornaments

Section 37. The Commission may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the village, and for the protection thereof, and the trimming of all trees in or that overhang such highway, street or avenue, or which obstruct public lighting, and may light streets and public places, and regulate the setting of lamp posts and other poles and the stringing of wires and cables therein and protect the same.

Regulation of Excavation in Streets

Section 38. The Commission shall regulate the making of all openings in and removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes or for any other purpose; and shall prohibit and prevent all such openings and removals of earth except by permission of the Commission, and at such times and upon such terms and regulations as they may prescribe.

Use of Highways and Public Grounds

Section 39. The Commission may by ordinance regulate the use of public highways, streets, avenues and alleys of the village, subject to the right of travel and passage therein. It shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and the sales in the streets and upon sidewalks; to regulate or prohibit the display of goods and merchandise or the display, use or placing of bill-boards, signs, advertisements, banners, awnings, posts, poles or lamps in or over the streets; to regulate or prohibit all such sport, amusement, proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the village, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them for the creation or maintenance thereof, and generally to prescribe and enforce all such public regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers granted herein, the Commission shall have the same authority and the powers herein in respect to the public streets of the village as conferred by law upon highway commissioners in townships.

Sewers

Section 40. The Commission of this village may establish, construct and maintain sewers, drains and water courses whenever and wherever necessary, and of such dimensions and materials, and under such regulations as it may deem proper for the drainage of the village; and

private property, or the use thereof, may be taken therefor, in the manner provided by law for taking private property for public use. But in all cases where the Commission shall deem it practicable, such sewer, drain and water courses shall be constructed in the public streets and grounds.

May Acquire Land For Disposal of Sewage

Section 41. Said village may acquire by purchase, condemnation or otherwise, land within or without its corporate limits necessary for the disposal of sewage or the obtaining or protecting of a water supply for the village or the inhabitants thereof, or for public parks.

Expense For Construction of Sewers

Section 42. The expense of constructing sewers, drains, and water courses may be paid by general tax upon all the taxable property in the village; or such expense may be defrayed subject to the limitations as to amount prescribed in Section 1 of Chapter XI of this charter, by special assessments upon the lots and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively, or such part of the expense as the Commission shall determine may be defrayed by special assessment, and the remainder may be paid by general tax.

Private Drains May Be Required

Section 43. Whenever the Commission shall deem it necessary for the public health, it may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstructions and nuisances; and if such private drains are not constructed and maintained according to such requirement, the Commission may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Connections With Public Sewers

Section 44. The owners and occupants of lots and premises shall have the right to connect the same with public sewers, at their own expense, by means of private sewers and drains under such rules and regulations as the Commission shall prescribe.

Expense of Ditches

Section 45. Subject to the limitation as to amount prescribed in Section 1 of Chapter XI of this charter, such part of the expense of providing ditches and improving water courses as the Commission shall determine may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Expense of Reconstruction

Section 46. The expenses of repairing public sewers, ditches and water courses may be paid by general tax. The expense of reconstructing public sewers may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Section 47. The Commission may enact such ordinances as may be necessary for the protection and control of the public drains, sewers and septic tanks and to carry into effect the powers herein conferred in respect to the drainage of the village.

Section 48. The Commission shall have the power to establish and regulate markets and market places, for the sale of meats, fish, vegetables and other provisions and articles necessary for the sustenance and convenience of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

Regulation of Use of Markets

Section 49. The Commission may adopt and enforce such regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate arrest and removal from the market, of any person violating such regulations together with any article in his possession; and may authorize the inspection of each article of food or beverage offered or exposed for sale and the seizure and destruction of tainted or of unsound meats and impure or adulterated or falsely labeled foods or beverages, or other provisions exposed for sale in any store, stand, public market or elsewhere in the village.

Partition Fences

Section 50. The Commission is authorized to enact all such ordinances and laws as it may deem proper, relative to the building, re-building, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the village; and relative to the assignment to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignment and division when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the Commission may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

Public Health—Conservation Of

Section 51. The Commission of said village may enact all such ordinances as it may deem necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the village or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the village as the Commission may prescribe and the public good may require.

Nuisances, Dangers to Health

Section 52. The president or health officer shall have power to prevent and remove or abate all nuisances dangerous to life or health within the village; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease