LIGHTING OF PUBLIC PLACES
Act 186 of 1891

AN ACT to authorize the cities and villages of this state to provide for the lighting of their streets and other public places therein by means of electric or other lights; and to prescribe penalties and provide remedies.

History: 1891, Act 186, Imd. Eff. July 2, 1891;—Am. 1998, Act 179, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

123.91 Lighting works; construction, operation, maintenance, contract power.

Sec. 1. That it shall be lawful for any city or incorporated village in this state to acquire by purchase or to construct, operate and maintain works for the purpose of supplying such cities or villages and the inhabitants thereof with gas, electric or other lights, or to contract for the furnishing thereof at such times and on such terms and conditions as the common council of any such city or the board of trustees in any such village shall direct.

History: 1891, Act 186, Imd. Eff. July 2, 1891;—CL 1897, 3437;—CL 1915, 3426;—CL 1929, 2411;—CL 1948, 123.91.

Compiler's note: This act seems to have been intended to supercede Act 115 of 1891, on same subject. The only essential difference between the two acts is that this act provides for contracts for furnishing light as well as construction of works by municipality. In section 1, clause "or to contract for the furnishing thereof," is inserted. In section 2, clause "or when such common council shall deem it expedient to contract for the lighting of such cities and villages, with electric or other lights," is inserted, and all after first proviso added. In section 3, vote required of electors is made "a majority," instead of "two-thirds," and proviso added. The title of this act however, does not mention "inhabitants," as does Act 115, 1891. But see MCL 123.101.

123.92 Expediency resolution of council; contracts, time limit; submission of purchase, construction to electors; governing rules.

Sec. 2. Whenever the common council of any city or the board of trustees of any village shall, by resolution, declare that it is expedient for such city or village to acquire by purchase or to construct as the case may be, works for the purpose of supplying such city or village and the inhabitants thereof with gas, electric or other lights, or when such common council shall deem it expedient to contract for the lighting of such cities and villages with electric or other lights, then such common council or the board of trustees of any village or city shall have power to take such action as shall be deemed expedient to accomplish such purpose, provided such action shall be governed by the provisions of Act No. 5 of the Session Laws of 1870, approved August fourth, 1870 as amended, entitled, "An act to authorize the introduction of water into and the construction or purchase of hydraulic works in the cities and villages in the state of Michigan," being sections 3096 to 3109 of Howell's annotated statutes, and all the provisions of that act so far as the same shall be material shall apply to and have full force and operation in the case of cities and villages desiring to have the benefit of this act, in the same manner and to the same effect as in the case of cities and villages proposing to purchase or construct works for the purpose of supplying such city or village or the inhabitants thereof with water: Provided, That all contracts for lighting such cities or villages as hereinbefore provided shall be for a period not less than 3 nor more than 10 years: And provided further, That such contract shall be entered into in the manner prescribed by the charter of such city or village for the letting of contracts for public lighting: Provided further, That in case any such common council or board of trustees shall declare that it is expedient for such city or village to acquire by purchase or to construct, as the case may be, works for the purpose of supplying such city or village with electric or other lights, then such common council or board of trustees shall submit to the electors of the city or village the question of purchasing or constructing such works before any further proceedings are had, and no further proceedings shall be had by such common council or board of trustees, unless a majority of such electors vote for the purchasing or constructing of such works.

History: 1891, Act 186, Imd. Eff. July 2, 1891;—CL 1897, 3438;—CL 1915, 3427;—CL 1929, 2412;—CL 1948, 123.92.

Compiler's note: For provisions of Act 5 of 1870, referred to in this section, see MCL 123.111 et seq.

123.93 Petition of election to come under act; referendum; approval, effect; scope of act limited.

Sec. 3. Whenever 100 or more of the qualified electors of any city or village in this state shall petition to the common council of such city or the board of trustees of such village, to submit to the electors thereof the question of whether or not said city or village shall avail itself of the provisions of this act, it shall be the duty of such common council or board of trustees as the case may be, to submit such question to the electors of such city or village at its next regular election therein, and in case a majority of the electors shall vote in favor of such city or village availing itself of the provisions of this act, it shall thereupon become the duty of the

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common council of such city, or the board of trustees of such village, to take such action as shall be necessary to carry such resolution into effect in the same manner and with the same effect as if such common council or board of trustees had, by resolution, declared the same to be expedient as provided for in section 2 of this act: Provided, however, That the provisions of this act, so far as the same applies to the purchase, or construction or operation or maintenance of works for the purpose of supplying such city or village, or the inhabitants thereof, with public lights, as hereinbefore provided for, shall not apply to cities having more than 25,000 inhabitants.

History: 1891, Act 186, Imd. Eff. July 2, 1891;—CL 1897, 3439;—CL 1915, 3428;—CL 1929, 2413;—CL 1948, 123.93.

123.94 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 4. A petition under section 3, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 179, Eff. Mar. 23, 1999.

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