# TOWNSHIP WATER SYSTEM ACT OF 1956
## Act 6 of 1956 (Ex. Sess.)

AN ACT authorizing the formation of corporations for the purpose of supplying to, distributing and selling water to a township or townships and giving to such corporations rights to take water from the Great Lakes, Lake St. Clair, and the bays thereof; authorizing a township or townships to contract with such corporations for the purchase of water by said township or townships and authorizing any township to purchase waterworks, systems, installations and real and personal property of such corporations; authorizing such township or townships to pass ordinances with respect thereto; and to prescribe penalties and provide remedies.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956;—Am. 1998, Act 185, Eff. Mar. 23, 1999.

*The People of the State of Michigan enact:*

### 486.501 Corporations to supply water to townships; incorporators.

Sec. 1. Whenever the township board of a township or the township boards of 2 or more townships shall, by resolution, declare that it is expedient to have constructed a works, plant or system for the supplying of water to such township or townships or the inhabitants thereof, but that it is inexpedient for such township or townships to build such works, plant and system, or either of the same, or some part or parts thereof, it shall be lawful for one or more persons to form a corporation to construct such waterworks, plant and system or some part or parts thereof under the provisions of this act, and any corporation so formed may incorporate under the provisions of, be subject to all of the provisions of, and carry on its business pursuant to the provisions of, the general corporation laws of this state pertaining to corporations for pecuniary profit.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956.

### 486.502 Contracts; corporate powers; written consent for use of street, highway or alley to lay pipe or main.

Sec. 2. Any corporation so formed under this act shall have the power to contract with any township or townships for the sale of water to said township or townships; and for that purpose it is authorized and empowered to buy, hold and sell real and personal property and to erect and maintain all necessary and convenient buildings, fixtures, machinery and other appurtenances, and, subject to the provisions of this act, to lay water pipes or mains in, across and through the public streets, highways or alleys in said township or townships: Provided, however, That before laying any pipe or main in, across or through any public street, highway or alley such corporation shall first procure the written consent of the state highway commissioner if such street, highway or alley be under his control and jurisdiction, or of the board of county road commissioners if such street, alley or highway be under the control and jurisdiction of such board, or of the township board of the township if the street, highway or alley be under the control and jurisdiction of such township board.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956.

### 486.503 Great Lakes waters; construction of works.

Sec. 3. Such corporation may take water from any of the Great Lakes and from Lake St. Clair, or any of the bays thereof and divert and conduct such water to any such township or townships. Such corporation shall have the right to construct and maintain such intakes, cribs and other machinery, and works on or in said waters as may be necessary to divert said water, and may lay and construct any pipes, conduits, aqueducts, wells or reservoirs or other works and machinery necessary for or incident to said purposes.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956.

### 486.504 Townships contracting for purchase of water; resolution, hearing; ordinances, publication; petitions.

Sec. 4. It shall be lawful for the township board of any township for and on behalf of that township to contract with any such corporation for the purchase of water for public, municipal or other purposes and to provide in said contract for the time and manner of payment and any and all other matters incident thereto. Such contract may further provide for the acquisition of all or some of the physical properties of any such corporation at such time or times, upon such terms and in such manner as to the township board shall seem just and proper. The township board of any township, before entering into any such contract as hereinbefore provided, shall pass a resolution declaring its intent to proceed under the provisions of this act and to enter into 1 or more contracts as in this act contemplated. Such resolution shall set forth substantially the terms and

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provisions of such contract and shall provide for a public hearing upon all matters pertaining thereto. Such contract shall be effective for a period of not to exceed 50 years. Such public hearing shall be held within 20 days after the passage of such resolution. Notice of the time and place of such public hearing shall be given at least 10 days prior thereto by publication of such notice in a newspaper of general circulation in such township and by posting such notice in 3 public places within such township. After such public hearing the township board by the affirmative vote of a 2/3 majority of its members-elect may pass an ordinance adopting the provisions of this act and may by such ordinance authorize 2 or more of its members on behalf of the township to enter into such contract with such corporation. Any ordinance adopted hereunder, together with a notice or certificate of its adoption, shall be published in a newspaper having general circulation within such township within 15 days following its passage and such ordinance shall become effective within 30 days next following the date of its publication: Provided, however, That if within 30 days from the publication of such ordinance, a petition signed by not less than 10% of the registered electors residing within the limits of such township shall have been filed with the township clerk requesting a referendum upon the effectiveness of such ordinance, then such ordinance shall not become effective until approved by vote of a majority of the electors of such township qualified to vote and voting thereon, at a general or special election. Signatures on any such petition shall be verified by some person or persons under oaths as the actual signatures of persons whose names are signed thereto, and the township clerk shall have the same power to reject signatures and petitions as city clerks possess by law. The number of registered electors in such township shall be determined by the township registration books.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956.

### 486.504a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 4a. A petition under section 4, 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 185, Eff. Mar. 23, 1999.

### 486.505 Townships contracting for purchase of water; ordinance effective; contract execution.

Sec. 5. As soon as any such ordinance becomes effective the township board may authorize the execution of any such contract as is herein contemplated on behalf of the township by any 2 or more of its officers, and when such contract has been properly executed by such corporation the same shall constitute a binding agreement and obligation on the part of the township and upon the part of the said corporation.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956.

### 486.506 Townships contracting for purchase of water; renewal, extension or amendment of contract.

Sec. 6. After any such contract has once been entered into, the same may be renewed, extended or amended, but any renewal, extension or amendment must be done and made in full compliance with all of the provisions of this act the same as though a new contract was being entered into in the beginning.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956.

### 486.507 Purchase of waterworks; procedure.

Sec. 7. At any time after the construction of a waterworks by a corporation in furtherance of its contract between the corporation and a township for the sale of water by the corporation to the township, any township so contracting with the corporation may, upon an affirmative vote of a majority of the electors of such township qualified to vote and voting thereon, at a general or special election, enter into a contract with the corporation for the purchase of all the waterworks, real and personal property and machinery of the corporation at such price and upon such terms as may be agreed upon. The purchase of the waterworks, goods and chattels and real and personal property of the corporation by any township shall be in accordance with the provisions of Act No. 116 of the Public Acts of 1923, as amended, being sections 41.411 to 41.414, inclusive, of the Compiled Laws of 1948, or any other act or acts which may be applicable and appropriate thereto.

**History:** 1956, Ex. Sess., Act 6, Imd. Eff. July 31, 1956.

### 486.508 Township water system act of 1956; short title.

Sec. 8. This act shall be known and may be cited as the “township water system act of 1956”.

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