

CITY, VILLAGE, AND TOWNSHIP LIBRARIES
Act 164 of 1877

AN ACT to authorize cities, incorporated villages, and townships to establish and maintain, or contract for the use of, free public libraries and reading rooms; and to prescribe penalties and provide remedies.

History: 1877, Act 164, Eff. Aug. 21, 1877;—Am. 1984, Act 128, Imd. Eff. June 1, 1984;—Am. 1998, Act 177, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

397.201 Public library and reading room; establishment and maintenance by city council; tax levy; library fund; tax additional to tax limitation.

Sec. 1. (1) The city council of each incorporated city may establish and maintain a public library and reading room for the use and benefit of the inhabitants of the city. The city council may levy a tax of not to exceed 1 mill on the dollar annually on all the taxable property in the city. If approved by a majority of the voters voting on the proposal at the regular annual election, the city council may increase the tax levied by not to exceed 1 additional mill on the dollar annually on all the taxable property in the city. The tax shall be levied and collected in the same manner as other general taxes of the city, and shall be deposited in a fund to be known as the “library fund.”

(2) The tax levied under this section shall be in addition to any tax limitation imposed by a city charter.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5175;—CL 1897, 3449;—CL 1915, 3431;—CL 1929, 8059;—CL 1948, 397.201;—Am. 1986, Act 133, Imd. Eff. June 16, 1986.

397.202 Board of directors; members; qualifications; number; terms.

Sec. 2. (1) If a city council decides to establish and maintain a public library and reading room under this act, the mayor of that city shall, with the approval of the city council, appoint a board of 5 directors for the library and reading room, chosen from the citizens at large, with reference to their fitness for that office. Not more than 1 member of the city council shall be at any 1 time a member of the board.

(2) If a city council decides, after the first appointments of the board of directors as provided in subsection (1), that the purposes of the library and reading room would be better served by a different number of members on the appointed board of directors, the city council may by ordinance change the number of members to an odd number not less than 5 or more than 9.

(3) The term of office for each member of the appointed board of directors may be changed by ordinance to a term of not less than 2 years or more than 5 years.

(4) Notwithstanding the provisions of section 3, if the term of office is changed by ordinance by a city council, the term of office for subsequent appointments by the mayor shall be the same as prescribed by the ordinance.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5176;—CL 1897, 3450;—CL 1915, 3432;—CL 1929, 8060;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.202;—Am. 2000, Act 99, Imd. Eff. May 19, 2000.

397.203 Board of directors; appointment, terms, removal.

Sec. 3. The offices of boards of directors heretofore appointed under this act, consisting of 9 members, are hereby declared vacant on July 1, 1932, and a board of 5 directors to succeed them or a board of directors of 5 members for a library newly established hereunder shall be first appointed as follows: 1 director shall be appointed for a term of 5 years, 1 director shall be appointed for a term of 4 years, 1 director shall be appointed for a term of 3 years, 1 director shall be appointed for a term of 2 years, 1 director shall be appointed for a term of 1 year, and annually thereafter the mayor shall appoint 1 member of such board of directors for a term of 5 years. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5177;—CL 1897, 3451;—CL 1915, 3433;—CL 1929, 8061;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.203.

397.204 Board of directors; vacancies, compensation.

Sec. 4. Vacancies in the board of directors occasioned by removals, resignation or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5178;—CL 1897, 3452;—CL 1915, 3434;—CL 1929, 8062;—CL 1948, 397.204.

Compiler's note: The word “occasioned” in this section evidently should read “occasional.”

397.205 Board of directors; officers, powers and duties; library fund, expenditures, accounting.

Sec. 5. Said directors shall, immediately after appointment, meet and organize, by the election of 1 of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room, as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose: Provided, That all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation; and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5179;—CL 1897, 3453;—CL 1915, 3435;—CL 1929, 8063;—CL 1948, 397.205

397.206 City library; free use; regulations.

Sec. 6. Every library and reading room established under this act shall be forever free to the use of the inhabitants where located, always subject to such reasonable rules and regulations as the library board may adopt; and said board may exclude from the use of said library and reading room any and all persons who shall wilfully violate such rules.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5180;—CL 1897, 3454;—CL 1915, 3436;—CL 1929, 8064;—CL 1948, 397.206

397.207 Board of directors; annual report, contents.

Sec. 7. The said board of directors shall make, at the end of each and every year from and after the organization of such library, a report to the city council, stating the condition of their trust at the date of such report the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift, or otherwise during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books, with such other statistics, information, and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well as the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5181;—CL 1897, 3455;—CL 1915, 3437;—CL 1929, 8065;—CL 1948, 397.207

397.208 City library; injury to property, ordinances, penalties.

Sec. 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library, or the grounds or other property thereof, or for wilful injury to or failure to return any book belonging to such library.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5182;—CL 1897, 3456;—CL 1915, 3438;—CL 1929, 8066;—CL 1948, 397.208

397.209 City library; donations, acceptance.

Sec. 9. Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5183;—CL 1897, 3457;—CL 1915, 3439;—CL 1929, 8067;—CL 1948, 397.209

397.210 Free public library in village or township; petition to levy tax for establishment; notice of election; library fund; board of directors; estimate of money necessary for

support and maintenance of library; report; assessment and collection of tax; powers of corporate authorities; library as authority under state constitution.

Sec. 10. (1) Fifty voters of an incorporated village or township may present to the clerk of the village or township a petition asking that a tax be levied for the establishment of a free public library in the village or township and specifying the rate of taxation, not to exceed 2 mills on the dollar. The tax may be of unlimited duration or the petition may specify the number of years for which the tax shall be levied. The clerk, in the next legal notice of the regular election in that village or township, shall give notice that at the election every voter may vote on the proposition including the rate and any duration of taxation for the free public library.

(2) If the majority of all the votes cast in the village or township is for the tax for a free public library, the tax specified in the notice shall be levied and collected in the same manner as other general taxes of that village or township for the period, if any, specified in the petition, and shall be placed in a fund known as the library fund.

(3) If a free public library is established and a board of directors elected and qualified, that board of directors, on or before the first Monday of September in each year, if the free public library is established by a township, and on or before the second Monday in April, if the free public library is established by an incorporated village, shall prepare an estimate of the amount of money necessary for the support and maintenance of the library for the ensuing year, not exceeding 2 mills on the dollar of the taxable property of the village or township. Unless any period specified in the petition for the levy of the tax has expired, the board of directors shall report the estimate to the assessor of the village or the supervisor of the township for assessment and collection in the same manner as other village or township taxes. The tax shall be so assessed and collected. The corporate authorities of the villages or townships may exercise the same powers conferred upon the corporate authorities of cities under this act.

(4) A library established under this section constitutes an authority under section 6 of article IX of the state constitution of 1963.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5184;—Am. 1885, Act 36, Eff. Sept. 19, 1885;—CL 1897, 3458;—Am. 1907, Act 42, Imd. Eff. Apr. 11, 1907;—CL 1915, 3440;—CL 1929, 8068;—CL 1948, 397.210;—Am. 1986, Act 133, Imd. Eff. June 16, 1986;—Am. 1994, Act 81, Imd. Eff. Apr. 11, 1994.

397.210a Free public library in city; establishment; petition for tax; notice; form of ballot; library fund; preparing and reporting estimate of money necessary for support and maintenance; tax additional to tax limitation.

Sec. 10a. (1) Fifty voters of a city may present to the clerk of the city a petition asking that a tax be levied for the establishment of a free public library in that city and specifying a rate of taxation not to exceed 2 mills on the dollar. The tax may be of unlimited duration or the petition may specify the number of years for which the tax shall be levied. The clerk, in the next legal notice of the regular election in that city, shall give notice that at the election every voter may vote upon the proposition. The notice shall specify the rate and any duration of taxation mentioned in the petition.

(2) If a majority of all the votes cast in the city upon the proposition is for the tax for a free public library, the tax specified in the notice shall be levied and collected in the same manner as other general taxes of that city for the period, if any, specified in the petition, and shall be placed in a fund to be known as the “library fund”.

(3) If the free public library is established under this section, and a board of directors elected and qualified as provided in section 11, the board of directors on or before the first Monday in September in each year shall prepare an estimate of the amount of money necessary for the support and maintenance of the free public library for the ensuing year, not exceeding 2 mills on the dollar of the taxable property of the city. Unless any period specified in the petition for the levy of the tax has expired, the board of directors shall report the estimate to the legislative body of the city. The legislative body shall cause to be raised by tax upon the taxable property in the city the amount of the estimate in the same manner that other general taxes are raised in the city.

(4) A tax levied under this section shall be in addition to any tax limitation imposed by a city charter.

History: Add. 1911, Act 178, Eff. Aug. 1, 1911;—CL 1915, 3441;—CL 1929, 8069;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.210a;—Am. 1980, Act 521, Eff. Mar. 31, 1981;—Am. 1986, Act 133, Imd. Eff. June 16, 1986;—Am. 1994, Act 81, Imd. Eff. Apr. 11, 1994.

397.210b Free public library established in township or village incorporated as city; continuation of library board, library, and tax.

Sec. 10b. If a township or village in which a free public library has been established pursuant to section 10 is incorporated in its entirety as a city, the library board of the free public library shall continue in office and

the free public library shall continue in existence and be governed by the provisions of section 10a as if the free public library had originally been established as a free public library under section 10a. Any tax previously authorized pursuant to this act for the support of the free public library shall continue in effect after the incorporation and shall then be assessed and collected on the taxable property in the city as provided in section 10a.

History: Add. 1982, Act 286, Imd. Eff. Oct. 7, 1982.

397.210c Increasing library millage; ballot; election; validation of millage renewal.

Sec. 10c. (1) If a city, village, or township has voted on, approved, and established a library pursuant to this act and the library board of directors by resolution determines that the estimate of the amount of money necessary for the support and maintenance of the library exceeds the previously authorized millage or that, if the previously authorized millage was approved for a specific number of years, the millage should be renewed, the question of increasing the library millage to not more than 2 mills or of renewing the millage shall be placed on the ballot for approval at the next regular annual election for that city, village, or township or at a special election for that city, village, or township. The increase or renewal may be of unlimited duration or the question may specify the number of years for which the increase or renewal shall be levied. The costs of a special election shall be paid from the library fund.

(2) If, before the effective date of the amendatory act that added this subsection, a library millage was renewed in the manner provided by subsection (1), that millage renewal is hereby validated.

History: Add. 1986, Act 133, Imd. Eff. June 16, 1986;—Am. 1994, Act 81, Imd. Eff. Apr. 11, 1994.

397.211 Library board of city, village, or township; establishment; provisional or permanent; director; vacancy; powers of library board.

Sec. 11. (1) Immediately after a city, a village, or a township has voted to establish a free public library, a library board shall be established by the city, village, or township as prescribed in subsections (3) and (4).

(2) If a city, village, or township has a free public library which has not elected a library board, including a city library and board of directors established under sections 1 to 10, the city, village, or township shall establish a library board as prescribed in subsections (3) and (4).

(3) The legislative body of a city, village, or township described in subsection (1) or (2) shall appoint a provisional library board of 6 directors who shall hold office until the next annual or biennial city or village election, or township election, of a permanent library board.

(4) A permanent library board shall be established for a city, village, or township described in subsection (1) or (2) as follows:

(a) In a city or village holding an annual election, 6 directors shall be elected. The terms of 2 of the directors shall be 1 year; the terms of 2 of the directors shall be 2 years; and the terms of 2 of the directors shall be 3 years. Each year thereafter, 2 directors shall be elected for 3-year terms.

(b) In a city or village that holds biennial elections, 6 directors shall be elected. The terms of 2 of the directors shall be 2 years; the terms of 2 of the directors shall be 4 years; and the terms of 2 of the directors shall be 6 years. Biennially thereafter, 2 directors shall be elected for 6-year terms.

(c) In a township holding elections for township officers every 4 years, 6 directors shall be elected for 4-year terms at the primary and general elections in 1984. A term of office shall not be shortened by this subdivision. A director scheduled by this section before March 31, 1981, to be elected at a time other than 1984 shall not be elected on the date scheduled, but shall continue in office until a successor takes office pursuant to the election of 1984.

(d) The directors shall be nominated and elected on nonpartisan ballots. A candidate for city, village, or township library director shall file nonpartisan nominating petitions bearing the signatures of a number of registered and qualified electors of that city, village, or township as follows:

(i) For a city, village, or township having a population of 9,999 or less, not less than 6 or more than 20 signatures.

(ii) For a city, village, or township having a population of 10,000 or more, not less than 40 or more than 100 signatures.

(e) In lieu of the nominating petitions prescribed in subdivision (d), an individual may file with the clerk conducting an election a \$100.00 nonrefundable fee to have his or her name placed on the ballot.

(f) The Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, shall govern the circulation and filing of nonpartisan nominating petitions and the conduct of nonpartisan elections under this section.

(5) A director shall hold office until a successor is elected and qualified.

(6) A library board shall fill a vacancy in a directorship by appointment of a person to hold office until the next election.

(7) A provisional or permanent library board has the powers prescribed in section 5.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5185;—CL 1897, 3459;—Am. 1905, Act 67, Eff. Sept. 16, 1905;—CL 1915, 3442;—CL 1929, 8070;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—Am. 1945, Act 60, Imd. Eff. Mar. 28, 1945;—CL 1948, 397.211;—Am. 1978, Act 130, Imd. Eff. May 4, 1978;—Am. 1980, Act 114, Imd. Eff. May 14, 1980;—Am. 1980, Act 521, Eff. Mar. 31, 1981;—Am. 1984, Act 138, Imd. Eff. June 1, 1984;—Am. 1988, Act 432, Imd. Eff. Dec. 27, 1988;—Am. 2002, Act 160, Eff. Jan. 1, 2003.

397.211a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 11a. A petition under section 10, 10a, or 11, 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 177, Eff. Mar. 23, 1999.

397.212 Applicability of MCL 397.210a and 397.211; exception; organization of existing public library under MCL 397.210a.

Sec. 12. Except as otherwise provided in section 10b, sections 10a and 11 do not apply to a city, village, or township maintaining a public library under a special act or to a public library contained in the 1979 statement prepared by the state board for libraries pursuant to section 8 of Act No. 59 of the Public Acts of 1964, being section 397.38 of the Michigan Compiled Laws. However, an existing public library may, by petition, be organized under section 10a regardless of the library's original organization.

History: 1877, Act 164, Eff. Aug. 21, 1877;—How. 5186;—CL 1897, 3460;—CL 1915, 3443;—CL 1929, 8071;—CL 1948, 397.212;—Am. 1978, Act 130, Imd. Eff. May 4, 1978;—Am. 1980, Act 521, Eff. Mar. 31, 1981;—Am. 1982, Act 286, Imd. Eff. Oct. 7, 1982.

397.213 Use of library services by adjacent township, village, or city; contract; payment.

Sec. 13. (1) Notwithstanding a contrary city, village, or township charter provision, a township, village, or city adjacent to a township, village, or city that supports a free public circulating library and reading room under this act may contract for the use of library services with that adjacent township, village, or city.

(2) A township, city, or village may pay for the use of library services contracted for under subsection (1) by levying a tax not to exceed 2 mills of its state equalized valuation, by use of money from the municipality's general fund, or with money received under Act No. 59 of the Public Acts of 1964, being sections 397.31 to 397.40 of the Michigan Compiled Laws. A tax shall not be levied or increased under this section unless a majority of the electors of the municipality voting on the question vote in favor of the tax.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—CL 1915, 3444;—CL 1929, 8072;—CL 1948, 397.213;—Am. 1984, Act 128, Imd. Eff. June 1, 1984;—Am. 1987, Act 216, Imd. Eff. Dec. 22, 1987.

397.214 Contract with township, city, or village for use of library and reading room; procedure; tax levy; library fund.

Sec. 14. (1) Upon receipt of a petition signed by not less than 10% of the electors in any township based on the highest vote cast at the last regular election for township officers of the township, addressed to the township board, requesting that a meeting be called of the electors in the township, to consider making a contract with any township, city, or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, for the use of its privileges by the residents of the township, the township board shall call a meeting of the electors of the township by posting notices in at least 5 public places within the township not less than 10 days before the meeting. The electors present at the meeting shall determine whether the township shall enter into a contract for the use of a free public circulating library and reading room in any township, city, or village and the rate of taxation to be levied for the purpose of paying for that use if the electors decide to enter into such a contract. However, a tax so levied shall not exceed 1 mill of the state equalized valuation of the township. If a majority of those present and voting are in favor of the township contracting for the use of a free public circulating library and reading room maintained in any township, city, or village, the township board may enter into a contract and shall levy and collect the tax provided for in this subsection, which tax when collected shall be placed in a fund to be known as the "library fund". The money in the library fund shall be paid over by the township treasurer to the treasurer of the township, city, or village in which the library is located, on the first day of January, February, and March of each year, to be disbursed subject to the provisions of section 5. This subsection is not a limitation on the contractual power of a legislative body of a city, village, or township under section 13.

(2) Notwithstanding any contrary provision in a township, city, or village charter, the library board of directors of a township, city, or village supporting and maintaining a free public circulating library and

reading room under this act, or under any special act, may enter into a contract with another township, city, or village to permit the residents of that other township, city, or village the full use of the library and reading room, upon terms and conditions to be agreed upon between the library board of directors and the legislative body of the other township, city, or village. A contract entered into pursuant to this subsection shall be executed for a term of 3 years, shall be automatically extended for an indefinite term after the initial 3-year period, and shall be terminable by either party only on the giving of 6 months' notice of the intent to terminate the contract.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—Am. 1911, Act 272, Eff. Aug. 1, 1911;—CL 1915, 3445;—CL 1929, 8073;—Am. 1931, Act 248, Eff. Sept. 18, 1931;—CL 1948, 397.214;—Am. 1984, Act 128, Imd. Eff. June 1, 1984.

397.215 Contract for use of library services by county; joint library board; number of directors; provisions of contract; vacancies; removal of director; vacating offices of directors; powers and duties of joint library board.

Sec. 15. (1) In a county which does not have a county library established under Act No. 138 of the Public Acts of 1917, being sections 397.301 to 397.305 of the Michigan Compiled Laws, or counties in which the population exceeds 1,000,000, a contract for use of library services under section 13 may provide for joint representation on the library board of directors. A joint library board shall not have more than 9 directors.

(2) A contract for use of library services that provides for joint representation may provide that a director serving on a library board on the day before the establishment of a joint library board shall become a director of the joint library board and shall serve out the balance of his or her unexpired term.

(3) A contract for the use of library services shall specify all of the following:

(a) Whether those directors added to an existing library board to create a joint library board are elected or appointed.

(b) The method of election or appointment of those directors added to an existing library board to create a joint library board.

(c) Lengths of terms of office of those directors added to an existing library board to create a joint library board. The terms of the added directors shall be staggered. If a contract establishing a joint library board is terminated, the terms of all added directors shall end on the date of termination.

(d) The method of removal of, and the causes upon which removal may be based for, a director added to an existing library board to create a joint library board.

(e) The method of filling a vacancy in the office of a director added to an existing library board to create a joint library board. A vacancy shall be filled for the balance of the unexpired term.

(f) Any other provision which is considered necessary or advisable.

(4) Selection, length of terms, manner of filling vacancies, and removal of the directors of the existing library board who become directors on the joint library board shall continue to be governed by state law or by the township, city, or village charter.

(5) If a contract for use of library services that provides for joint representation does not provide that directors on the existing board become directors on the joint library board, the offices of the directors of the existing board shall be vacated on the date the joint board assumes jurisdiction and the contract shall include those provisions required by subsection (3) which shall apply to the entire joint library board.

(6) A joint library board established under this section has the same powers and duties as a city library board under sections 5 to 7.

History: Add. 1984, Act 128, Imd. Eff. June 1, 1984.

397.216 Rights in use and benefits of library; uniform rules and regulations.

Sec. 16. After fulfilling the contractual requirements, the people of a township, village, or city which has contracted for library services with another township, village, or city shall have all rights in the use and benefits of the library that they would have if they lived in the township, village, or city where the library is established, subject to uniform rules and regulations established by the board of library directors.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—CL 1915, 3446;—CL 1929, 8074;—CL 1948, 397.216;—Am. 1984, Act 128, Imd. Eff. June 1, 1984.

397.217 Joint municipal libraries; villages and cities.

Sec. 17. The people of villages may join with townships, or townships with villages, or either with cities, by complying with similar provisions, as aforesaid in this act, and as amended, for the purpose of maintaining, supporting and receiving the benefits from a free public circulating library.

History: Add. 1903, Act 19, Eff. Sept. 17, 1903;—CL 1915, 3447;—CL 1929, 8075;—CL 1948, 397.217.