

Act No. 304
Public Acts of 2003
Approved by the Governor
January 8, 2004
Filed with the Secretary of State
January 8, 2004
EFFECTIVE DATE: January 1, 2005

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Garfield, Hummel, Farhat, Brandenburg, Drolet, Hoogendyk, Amos, Casperson, Emmons, Wenke, Tabor, Palsrok, Sheen, Stahl, Vander Veen, Acciavatti, LaJoy, Steil, Walker, Pastor, Stakoe, Meyer, Voorhees, Taub, Ward, Ruth Johnson, Rocca, Kooiman, Robertson, Moolenaar and Richardville

ENROLLED HOUSE BILL No. 4826

AN ACT to amend 1909 PA 278, entitled "An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; and to prescribe penalties and provide remedies," by amending sections 4, 7, 21, and 23 (MCL 78.4, 78.7, 78.21, and 78.23), section 23 as amended by 1999 PA 258.

The People of the State of Michigan enact:

Sec. 4. (1) A petition under section 2 shall be addressed to the county board of commissioners of the county in which the territory to be affected by the proposed incorporation, consolidation, or change of boundaries is located. The petition shall be filed with the clerk of the county board of commissioners not less than 30 days before the board of commissioners convenes in regular session, or in a special session called for the purpose of considering the petition. The board of commissioners shall determine if the petition complies with the requirements of this act and if the statements contained in the petition are correct. If a majority of the board determines that the petition does not comply with the requirements of this act or that the statements contained in the petition are not correct, the board shall not conduct further proceedings on the petition. If the board determines that the petition complies with the requirements of this act and that the statements contained in the petition are correct, the board shall, by resolution, provide that the question of making the proposed incorporation, consolidation, or change of boundaries be submitted to the qualified electors of the district to be affected at the next general election, or at a special election before the next general election on a regular election day established under section 641 of the Michigan election law, 1954 PA 116, MCL 168.641, that is held 60 days or more after the adoption of the resolution.

(2) After the adoption of a resolution submitting the ballot question to a vote of the electors, neither the sufficiency nor legality of the petition under section 2 may be questioned in any proceeding.

Sec. 7. (1) If the territory to be affected by a proposed incorporation, consolidation, or change of boundaries is situated in more than 1 county, the petition under section 2 shall be addressed and presented to the secretary of state.

(2) The secretary of state shall examine the petition and the accompanying affidavits. If the secretary of state finds that the petition and accompanying affidavit or affidavits comply with the requirements of this act, the secretary of state shall certify the petition and accompanying affidavits and shall transmit the certificate and a certified copy of the petition and the accompanying affidavits to the clerk of each city, village, or township to be affected by the proposed incorporation, consolidation, or change of boundaries, together with a notice directing that the question of making the incorporation, consolidation, or change of boundaries petitioned for be submitted to the electors of the district to be affected. The notice shall provide that the ballot question shall be submitted at the next general election, or at a special election before the next general election, that is held 60 days or more after the date of transmittal of the certificate.

(3) If the secretary of state finds that the petition and the accompanying affidavits do not comply with the requirements of this act, he or she shall certify to that fact and shall return the petition and affidavits to the person from whom they were received, along with the certificate.

(4) Each city, village, and township clerk who receives from the secretary of state the copies and certificate provided for in subsection (2) shall give notice of the election to be held on the question of making the incorporation, consolidation, or change of boundaries petitioned for in the same manner as provided for in section 6.

Sec. 21. (1) All elections held under this act shall be paid for as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, the appropriate clerk shall determine the publication and notice of the election.

(2) Notwithstanding a charter provision providing otherwise, the day on which a village holds its regular or a special election is governed by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, or by a resolution adopted in compliance with section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

Sec. 23. Each village charter shall provide for all of the following:

(a) The election of and compensation for a president who shall be the executive head, a clerk, and a legislative body. Notwithstanding a charter provision to the contrary, a village election shall be nonpartisan.

(b) The election or appointment of other officers or administrative boards considered necessary.

(c) The levying and collection of village taxes.

(d) That the subjects of taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law.

(e) An annual appropriation of money for municipal purposes.

(f) The public peace and health, and for the safety of persons and property.

(g) One or more election districts; subject to section 21, the time, place, and means of holding elections; and the registration of electors.

(h) Keeping in the English language a written or printed journal of proceedings of the legislative body.

(i) The publication of an ordinance or a synopsis of an ordinance before the ordinance becomes operative. Any charter provision to the contrary notwithstanding, a village may adopt an ordinance punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. Whether or not provided in its charter, a village may adopt a provision of any state statute for which the maximum period of imprisonment is 93 days, the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a plumbing code, electrical code, or building code that has been promulgated by this state, by a department, board, or other agency of this state, or by an organization or association that is organized and conducted for the purpose of developing that code, by making reference to that law or code in an adopting ordinance without publishing that law or code in full. The law or code shall be clearly identified in the ordinance, and a statement of the purpose of the law or code shall be published with the adopting ordinance. Printed copies of the law or code shall be kept in the office of the village clerk and made available to the public at all times. The publication shall contain a notice stating that a complete copy of the law or code is available to the public at the office of the village clerk. A village shall not enforce any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days.

(j) That the business of the legislative body shall be conducted at a public meeting of the body held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and all records of the municipality shall be available to the public under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

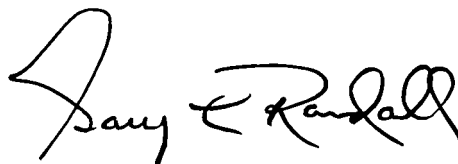
(k) Adopting, continuing, amending, or repealing village ordinances.

(l) A system of accounts that conforms to a uniform system required by law.

Enacting section 1. This amendatory act takes effect January 1, 2005.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4820.
- (c) House Bill No. 4822.
- (d) House Bill No. 4823.
- (e) House Bill No. 4824.
- (f) House Bill No. 4825.
- (g) House Bill No. 4827.
- (h) House Bill No. 4828.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor