

HOUSE BILL No. 4924

September 8, 2011, Introduced by Reps. Muxlow and Byrum and referred to the Committee on Judiciary.

A bill to amend 1909 PA 278, entitled "The home rule village act," by amending sections 23 and 24 (MCL 78.23 and 78.24), section 23 as amended by 2003 PA 304 and section 24 as amended by 1999 PA 56.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

1 (c) The levying and collection of village taxes.

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

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

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

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

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

13 (i) The publication of an ordinance or a synopsis of an
14 ordinance before the ordinance becomes operative. Any charter
15 provision to the contrary notwithstanding, a village may adopt an
16 ordinance punishable by imprisonment for not more than 93 days or a
17 fine of not more than \$500.00, or both, if the violation
18 substantially corresponds to a violation of state law that is a
19 misdemeanor for which the maximum period of imprisonment is 93
20 days. Whether or not provided in its charter, a village may adopt a
21 provision of any state statute for which the maximum period of
22 imprisonment is 93 days, the Michigan vehicle code, 1949 PA 300,
23 MCL 257.1 to 257.923, or a plumbing code, electrical code, or
24 building code that has been promulgated by this state, by a
25 department, board, or other agency of this state, or by an
26 organization or association that is organized and conducted for the
27 purpose of developing that code, by making reference to that law or

1 code in an adopting ordinance without publishing that law or code
2 in full. The law or code shall be clearly identified in the
3 ordinance, and a statement of the purpose of the law or code shall
4 be published with the adopting ordinance. Printed copies of the law
5 or code shall be kept in the office of the village clerk and made
6 available to the public at all times. The publication shall contain
7 a notice stating that a complete copy of the law or code is
8 available to the public at the office of the village clerk. A
9 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, A** village shall
10 not enforce any provision adopted by reference for which the
11 maximum period of imprisonment is greater than 93 days. **A VILLAGE**
12 **MAY ADOPT SECTION 625(1)(C) OF THE MICHIGAN VEHICLE CODE, 1949 PA**
13 **300, MCL 257.625, BY REFERENCE IN AN ADOPTING ORDINANCE AND SHALL**
14 **PROVIDE THAT A VIOLATION OF THAT ORDINANCE IS A MISDEMEANOR**
15 **PUNISHABLE BY 1 OR MORE OF THE FOLLOWING:**

16 (i) **COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.**

17 (ii) **IMPRISONMENT FOR NOT MORE THAN 180 DAYS.**

18 (iii) **A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.**

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

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

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

1 Sec. 24. A village may provide in its charter for 1 or more of
2 the following:

3 (a) The regulation of a trade, occupation, or amusement within
4 the village's boundaries, including the sale of intoxicating liquor
5 and the number of licenses to be issued for the sale of
6 intoxicating liquor. A charter shall not permit the sale of liquor
7 in a county in which the sale is prohibited by operation of the
8 general local option law of this state, but may suppress saloons
9 for the sale of intoxicating liquor.

10 (b) The punishment of a person who violates an ordinance of
11 the village other than an ordinance described in section 25a. The
12 penalty for a violation of such an ordinance shall not exceed a
13 fine of \$500.00 or imprisonment for 90 days, or both. However,
14 unless otherwise provided by law, the ordinance may provide that a
15 violation of the ordinance is punishable by imprisonment for not
16 more than 93 days or a fine of not more than \$500.00, or both, if
17 the violation substantially corresponds to a violation of state law
18 that is a misdemeanor for which the maximum period of imprisonment
19 is 93 days. **IN ADDITION, A VILLAGE MAY ADOPT SECTION 625(1)(C) OF**
20 **THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, BY REFERENCE**
21 **IN AN ADOPTING ORDINANCE AND SHALL PROVIDE THAT A VIOLATION OF THAT**
22 **ORDINANCE IS A MISDEMEANOR PUNISHABLE BY 1 OR MORE OF THE**
23 **FOLLOWING:**

24 (i) **COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.**

25 (ii) **IMPRISONMENT FOR NOT MORE THAN 180 DAYS.**

26 (iii) **A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.**

27 (c) The establishment of a department considered necessary for

1 the general welfare of the village and for the separate
2 incorporation of the village. This subdivision does not apply to a
3 public school.

4 (d) The use and enjoyment of the surface of a street of the
5 village and the space above and beneath the street.

6 (e) The assessment and reassessment of the cost, or a portion
7 of the cost, of a public improvement to a special district. The
8 payment of a future installment of a special assessment against a
9 parcel of land may be made at any time in full, with interest
10 accrued to the due date of the next installment.

11 (f) The purchase of private property for a public use or
12 purpose within the scope of the powers of the village.

13 (g) The sale and delivery of water outside the corporate
14 limits of the village in an amount determined by the legislative
15 body of the village.

16 (h) The purchase of land outside the corporate limits of the
17 village if necessary for the disposal of sewage and garbage or for
18 a purpose authorized by the state constitution of 1963 or the law
19 of this state.

20 (i) The use, upon the payment of reasonable compensation by
21 persons other than the owner, of property located in a street,
22 alley, or public place if the property is used in the operation of
23 a public utility.

24 (j) A plan of streets and alleys within the village's limits.

25 (k) The use, control, and regulation of a stream, water, or
26 watercourse within the village's boundaries, but not so as to
27 conflict with a law, or action under a law, by which a navigable

1 stream is bridged or dammed.

2 (l) The enforcement of each police, sanitary, or other
3 ordinance that is not in conflict with the law of this state.

4 (m) The exercise of each municipal power in the management and
5 control of village property and the administration of the village
6 government, whether the power is expressly enumerated in this act
7 or not; an act to advance the interest of the village, and the good
8 government and prosperity of the village and its inhabitants; and
9 the making of ordinances that are necessary and proper for carrying
10 into execution the powers conferred by this act, and other powers
11 vested by the state constitution of 1963 in villages, except if
12 forbidden by or if the subject is covered exclusively by the law of
13 this state.

14 (n) The sale and delivery of heat, power, and light outside
15 the village's corporate limits in an amount determined by the
16 legislative body of the village, except that a sale at other than
17 wholesale shall be limited to the area of a city, village, or
18 township that is contiguous to the village as of June 23, 1974, and
19 to the area of any other city, village, or township being served as
20 of June 23, 1974. However, a village shall not sell heat, power, or
21 light to a customer outside the village's corporate limits already
22 receiving the service from another utility unless the serving
23 utility consents in writing. For purposes of this subdivision,
24 "wholesale" means the sale or exchange of heat, power, or light
25 between public utility systems, whether municipally, cooperatively,
26 or privately owned.