

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5438**

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending the title and sections 1, 1a, and 12 of chapter I,
sections 1, 2, 4, 5, 6, 7, 11, 12, 13, 14, and 15 of chapter II,
sections 2 and 7 of chapter III, sections 1, 2, 3, 5, 6, 7, 9,
10, 11, 12, and 21 of chapter IV, sections 1, 2, 3, 5, 7, and 8
of chapter V, sections 1, 3, 3a, 4, 8, 9, 11, 12, and 14 of chap-
ter VI, and sections 3, 4, 5, 6, 7, 9, 10, 12, 13, 16, 18, 19,
23, 24, 25, 26, 31, 33, 34, 38, 39, 41, 56, 57, 58, 61, 63, and
64 of chapter VII (MCL 61.1, 61.1a, 61.12, 62.1, 62.2, 62.4,
62.5, 62.6, 62.7, 62.11, 62.12, 62.13, 62.14, 62.15, 63.2, 63.7,
64.1, 64.2, 64.3, 64.5, 64.6, 64.7, 64.9, 64.10, 64.11, 64.12,
64.21, 65.1, 65.2, 65.3, 65.5, 65.7, 65.8, 66.1, 66.3, 66.3a,
66.4, 66.8, 66.9, 66.11, 66.12, 66.14, 67.3, 67.4, 67.5, 67.6,
67.7, 67.9, 67.10, 67.12, 67.13, 67.16, 67.18, 67.19, 67.23,

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67.24, 67.25, 67.26, 67.31, 67.33, 67.34, 67.38, 67.39, 67.41, 67.56, 67.57, 67.58, 67.61, 67.63, and 67.64), the title as amended by 1983 PA 44, section 1a of chapter I, sections 1 and 9 of chapter VI, and section 3 of chapter VII as amended by 1994 PA 16, section 2 of chapter II, sections 1 and 3 of chapter IV, and section 8 of chapter V as amended by 1985 PA 173, section 13 of chapter II, section 5 of chapter V, and sections 9 and 13 of chapter VII as amended by 1983 PA 205, section 21 of chapter IV as amended by 1992 PA 42, and section 4 of chapter VI as amended by 1982 PA 346, and by adding sections 3 and 4 to chapter III and section 1a to chapter VII; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to provide for the ~~incorporation~~ GOVERNMENT of
3 CERTAIN villages; to define their powers and duties; to provide
4 for the levy and collection of taxes, borrowing of money, and
5 issuance of bonds and other evidences of indebtedness by villages
6 SUBJECT TO THIS ACT; to define the powers and duties of ~~the~~
7 ~~municipal finance commission or its successor agency and of the~~
8 ~~department of treasury with regard thereto~~ CERTAIN STATE AND
9 LOCAL OFFICERS AND ENTITIES; to define the application of this
10 act and provide for its amendment by villages subject ~~thereto~~
11 TO THIS ACT; ~~and~~ to validate prior amendments and certain prior
12 actions taken and bonds issued by villages SUBJECT TO THIS ACT;
13 AND TO PROVIDE FOR THE DISINCORPORATION OF VILLAGES.

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1 CHAPTER I--INCORPORATION.

2 Sec. 1. ~~That all villages hereafter incorporated shall be~~
3 ~~incorporated under, and be subject to the provisions of~~ THIS ACT
4 IS THE CHARTER FOR ALL VILLAGES INCORPORATED UNDER this act.

5 Sec. 1a. As used in this act: ~~—~~

6 (A) "APPOINTED OFFICER" MEANS ANY OFFICER, EXCEPT AN OFFICER
7 WHO IS APPOINTED TO FILL AN ELECTIVE BUT VACANT SEAT ON THE
8 COUNCIL.

9 (B) "CIVIL INFRACTION ACTION", "MUNICIPAL CIVIL INFRACTION",
10 AND, except AS USED IN section 2 of chapter VI, "civil
11 infraction" ~~—, "civil infraction action", and "municipal civil~~
12 ~~infraction"~~ mean those terms as defined in section 113 of the
13 revised judicature act of 1961, ~~Act No. 236 of the Public Acts~~
14 ~~of 1961, being section 600.113 of the Michigan Compiled Laws~~
15 1961 PA 236, MCL 600.113.

16 (C) "COUNCIL" OR "MEMBERS OF COUNCIL", WITH RESPECT TO
17 VOTING PROCEDURE, MEANS 1 OF THE FOLLOWING:

18 (i) THE PRESIDENT AND 6 TRUSTEES, IF THE VILLAGE HAS NOT
19 ADOPTED AN ORDINANCE REDUCING THE NUMBER OF TRUSTEES UNDER CHAP-
20 TER II.

21 (ii) THE PRESIDENT AND 4 TRUSTEES, IF THE VILLAGE HAS
22 ADOPTED AN ORDINANCE REDUCING THE NUMBER OF TRUSTEES UNDER CHAP-
23 TER II.

24 (D) "ELECTOR" MEANS AN INDIVIDUAL WHO HAS THE QUALIFICATIONS
25 OF AN ELECTOR UNDER SECTION 492 OF THE MICHIGAN ELECTION LAW,
26 1954 PA 116, MCL 168.492.

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1 (E) "OFFICER" MEANS THE VILLAGE PRESIDENT, CLERK, OR
2 TREASURER, A VILLAGE TRUSTEE, OR AN APPOINTED PERSON AUTHORIZED
3 BY THE COUNCIL.

4 (F) "QUORUM" MEANS, EXCEPT AS OTHERWISE DEFINED, 1 OF THE
5 FOLLOWING:

6 (i) THREE COUNCIL MEMBERS, IF THE VILLAGE HAS ADOPTED AN
7 ORDINANCE REDUCING THE NUMBER OF TRUSTEES UNDER CHAPTER II.

8 (ii) FOUR COUNCIL MEMBERS, IF THE VILLAGE HAS NOT ADOPTED AN
9 ORDINANCE REDUCING THE NUMBER OF TRUSTEES UNDER CHAPTER II.

10 Sec. 12. ~~All villages hereafter incorporated shall be~~
11 ~~bodies~~ A VILLAGE INCORPORATED UNDER THIS ACT IS A BODY politic
12 and corporate under ~~and by the corporate name assumed by or des-~~
13 ~~ignated for them as hereinbefore provided, and by such name~~ THE
14 NAME DESIGNATED FOR IT UPON INCORPORATION. BY THAT NAME, THE
15 VILLAGE may sue and be sued, contract and be contracted with,
16 acquire and hold real and personal property for the purposes for
17 which ~~they were~~ IT WAS incorporated, have a common seal, ~~and~~
18 change the ~~same~~ COMMON SEAL at pleasure, and exercise all the
19 powers ~~in~~ UNDER this act. ~~conferred.~~

20 CHAPTER II--OFFICERS.

21 Sec. 1. (1) ~~In~~ EXCEPT AS PROVIDED IN SUBSECTIONS (2) AND
22 (3), IN each village, the following officers shall be elected: ~~,~~
23 ~~viz.,~~ a president, 6 trustees, 1 clerk, AND 1 treasurer. ~~, who~~
24 ~~shall be ex officio collector, and 1 assessor.~~ The president and
25 trustees ~~shall~~ constitute the ~~village~~ council. IN ALL VOTES
26 FOR WHICH NOT LESS THAN A MAJORITY VOTE OF COUNCIL IS REQUIRED,

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1 THE CALCULATION OF THE NUMBER OF VOTES REQUIRED SHALL BE BASED ON
2 THE MAXIMUM NUMBER THAT CONSTITUTES COUNCIL.

3 (2) THE COUNCIL BY A VOTE OF 2/3 OF THE MEMBERS OF COUNCIL
4 MAY PROVIDE BY ORDINANCE FOR THE REDUCTION IN THE NUMBER OF
5 TRUSTEES TO 4 WHO WITH THE PRESIDENT SHALL CONSTITUTE THE
6 COUNCIL. IF VILLAGE TRUSTEES ARE ELECTED BIENNIALY FOR STAG-
7 GERED 4-YEAR TERMS OR ANNUALLY FOR STAGGERED 2-YEAR TERMS, THE
8 ORDINANCE SHALL AS NEARLY AS POSSIBLE MAINTAIN STAGGERED TERMS
9 AND PROVIDE FOR AN EQUAL NUMBER OF SEATS TO BE FILLED AT EACH
10 ELECTION. THE ORDINANCE MAY EXTEND BUT SHALL NOT SHORTEN THE
11 TERM OF AN INCUMBENT TRUSTEE. THE ORDINANCE MAY EXTEND A PRO-
12 SPECTIVE TERM. THE ORDINANCE SHALL NOT SHORTEN OR ELIMINATE A
13 PROSPECTIVE TERM UNLESS THE NOMINATION DEADLINE FOR THAT TERM IS
14 NOT LESS THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE ORDINANCE.
15 AN ORDINANCE ADOPTED UNDER THIS SUBSECTION SHALL SATISFY BOTH OF
16 THE FOLLOWING CONDITIONS:

17 (A) THE ORDINANCE SHALL BE VOTED ON AND ADOPTED AT A MEETING
18 THAT OCCURS NOT LESS THAN 10 DAYS AFTER THE INITIAL MEETING OR
19 PUBLIC HEARING AT WHICH THE ORDINANCE WAS CONSIDERED.

20 (B) NOTICE OF EACH MEETING AT WHICH THE ORDINANCE IS CONSID-
21 ERED INDICATING THAT AN ORDINANCE REDUCING THE SIZE OF THE COUN-
22 CIL WILL BE 1 OF THE SUBJECTS OF THE MEETING SHALL BE PUBLISHED
23 NOT LESS THAN 10 DAYS BEFORE THE MEETING IN A NEWSPAPER OF GEN-
24 ERAL CIRCULATION IN THE VILLAGE.

25 (3) THE COUNCIL BY A VOTE OF 2/3 OF THE MEMBERS OF COUNCIL
26 MAY PROVIDE BY ORDINANCE FOR THE NOMINATION BY THE PRESIDENT AND
27 THE APPOINTMENT BY THE COUNCIL OF THE CLERK OR THE TREASURER OR

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1 BOTH FOR SUCH A TERM AS THE ORDINANCE MAY PROVIDE. THE ORDINANCE
2 SHALL APPLY BEGINNING WITH THE FIRST TERM THE NOMINATION DEADLINE
3 FOR WHICH WOULD HAVE BEEN NOT LESS THAN 30 DAYS AFTER THE EFFEC-
4 TIVE DATE OF THE ORDINANCE OR SHALL APPLY WHEN THE OFFICE IS
5 VACATED, WHICHEVER OCCURS FIRST.

6 (4) THE COUNCIL SHALL PROVIDE THAT AN ORDINANCE ADOPTED
7 UNDER SUBSECTION (2) OR (3) TAKES EFFECT 45 DAYS AFTER THE DATE
8 OF ADOPTION UNLESS A PETITION SIGNED BY NOT LESS THAN 10% OF THE
9 REGISTERED ELECTORS OF THE VILLAGE IS FILED WITH THE VILLAGE
10 CLERK WITHIN THE 45-DAY PERIOD, IN WHICH CASE THE ORDINANCE TAKES
11 EFFECT UPON APPROVAL AT AN ELECTION HELD ON THE QUESTION. NOTICE
12 OF THE DELAYED EFFECT OF THE ORDINANCE AND THE RIGHT OF PETITION
13 UNDER THIS SUBSECTION SHALL BE PUBLISHED SEPARATELY AT THE SAME
14 TIME, AND IN THE SAME MANNER, AS THE ORDINANCE IS PUBLISHED PUR-
15 SUANT TO SECTION 4 OF CHAPTER VI. THE VILLAGE CLERK SHALL VERIFY
16 THE SIGNATURES ON THE PETITIONS. IF A PETITION BEARING THE
17 REQUIRED NUMBER OF VALID SIGNATURES OF ELECTORS IS FILED, THE
18 QUESTION OF ADOPTION OF THE ORDINANCE SHALL BE SUBMITTED AT THE
19 NEXT GENERAL OR SPECIAL ELECTION. THE BALLOT LANGUAGE FOR THE
20 QUESTION SHALL BE PREPARED BY THE VILLAGE CLERK, UNLESS THE QUES-
21 TION CONCERNS THE APPOINTMENT OF THE CLERK UNDER SUBSECTION (2),
22 IN WHICH CASE THE BALLOT LANGUAGE SHALL BE PREPARED BY THE VIL-
23 LAGE COUNCIL.

24 (5) A VILLAGE THAT HAS ADOPTED AN ORDINANCE REDUCING THE
25 NUMBER OF TRUSTEES TO 4 OR PROVIDING FOR THE APPOINTMENT BY THE
26 COUNCIL OF THE CLERK OR TREASURER MAY INCREASE THE NUMBER OF
27 TRUSTEES TO 6 OR PROVIDE FOR THE ELECTION OF THE CLERK OR

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1 TREASURER BY THE SAME PROCESS AS PROVIDED IN SUBSECTION (2) OR
2 (3), RESPECTIVELY, AND IN SUBSECTION (4).

3 Sec. 2. (1) The president ~~shall, by and with the consent~~
4 ~~of the council, appoint a village marshal and a street commis-~~
5 ~~sioner and such other~~ MAY NOMINATE AND THE COUNCIL APPOINT SUCH
6 officers as shall be provided for by resolution or ordinance of
7 the council. The council may ~~from time to time~~ provide by
8 ordinance or resolution for the appointment of other officers
9 whose election or appointment is not specifically provided for in
10 this act, as the council considers necessary for the execution of
11 the powers granted by this act. The powers and duties of such
12 officers shall be prescribed by the council. ~~In villages con-~~
13 ~~taining 500 inhabitants or less, the village president shall not~~
14 ~~be required to appoint a village marshal. The village marshal~~
15 ~~may also be appointed a street commissioner~~ THE COUNCIL MAY
16 REQUIRE THAT THE OFFICERS PERFORM THEIR DUTIES FAITHFULLY AND
17 THAT PROPER MEASURES BE TAKEN TO PUNISH NEGLECT OF DUTY BY AN
18 OFFICER.

19 (2) This section is subject to an ordinance adopted under
20 section 8 of chapter V.

21 Sec. 4. ~~The~~ UNLESS OTHERWISE PROVIDED BY ORDINANCE, THE
22 president, clerk, AND treasurer ~~and assessor~~ shall hold their
23 respective offices for the term of 2 years from the second Monday
24 of March of the year when elected and until their successors are
25 elected and qualified. ~~and enter upon the duties of their~~
26 ~~offices.~~

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1 Sec. 5. (1) Except as otherwise provided in this section, 3
2 village trustees SHALL BE elected at ~~the 1974 and subsequent~~
3 EACH biennial village ~~elections shall hold their offices~~
4 ELECTION for the term of 4 years from the second Monday in March
5 of the even numbered year when elected and until their successors
6 are qualified. ~~and enter upon the duties of their offices.~~ As
7 an alternative, ~~a village by~~ IF PROVIDED BY AN ordinance
8 adopted by the village ~~council prior to~~ BEFORE January 1, 1974,
9 ~~may provide that the term of office of village trustees shall be~~
10 ~~2 years and that~~ all 6 village trustees shall be elected at the
11 biennial village elections FOR THE TERM OF 2 YEARS AND UNTIL
12 THEIR SUCCESSORS ARE QUALIFIED. ~~In either event, the term of~~
13 ~~office of trustees elected in 1973 is extended 1 year and such~~
14 ~~trustees shall serve until their successors elected at the 1976~~
15 ~~village elections are qualified and enter upon the duties of~~
16 ~~their offices.~~

17 (2) ~~A village may exempt~~ IF A VILLAGE EXEMPTED itself from
18 subsection (1) by council resolution adopted ~~prior to~~ BEFORE
19 January 1, 1974, ~~— In such event~~ the village shall continue to
20 elect its trustees annually on the second Monday in March with 3
21 trustees to be elected annually. The trustees shall hold their
22 offices for the term of 2 years and until their successors are
23 qualified. ~~and enter upon the duties of their offices.~~

24 (3) A village ~~which originally exempts itself pursuant to~~
25 THAT EXEMPTED ITSELF AS DESCRIBED IN subsection (2) may subse-
26 quently provide BY ORDINANCE that the village shall elect
27 trustees biennially. ~~by the adoption of an ordinance.~~ The

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1 ordinance shall be applicable to the even year village election
2 to be held not less than 6 months next following the adoption of
3 the ordinance. The ordinance ~~may provide that 3 trustees shall~~
4 ~~be elected for 4-year terms at each biennial election or, alter-~~
5 ~~natively, the ordinance may provide that all 6 trustees shall be~~
6 ~~elected for 2-year terms at each biennial election~~ SHALL PROVIDE
7 FOR A SYSTEM OF ELECTING TRUSTEES AS DESCRIBED IN
8 SUBSECTION (1). The ordinance may extend the terms of incumbent
9 trustees for not more than 1 year ~~where~~ IF necessary to provide
10 for the biennial election of trustees. In any event, a trustee
11 shall serve until his OR HER successor is qualified. ~~and enters~~
12 ~~upon the duties of his office.~~

13 (4) A copy of each resolution and ordinance adopted pursuant
14 to this section shall be forwarded to the director of THE BUREAU
15 OF elections of the department of state.

16 Sec. 6. All appointive officers, except officers appointed
17 to fill vacancies in elective offices, shall hold their respec-
18 tive offices until the second Monday of April next after such
19 appointment, and until their successors are qualified ~~and enter~~
20 ~~upon the duties of their offices,~~ unless a different term of
21 office ~~shall be~~ IS prescribed in this act, IN AN ORDINANCE
22 AUTHORIZED BY THIS ACT, or in the ordinance or resolution creat-
23 ing the office. ~~Officers~~ AN OFFICER appointed to fill
24 ~~vacancies~~ A VACANCY IN AN ELECTIVE OFFICE shall hold ~~their~~
25 office until the next ~~annual~~ REGULAR VILLAGE election, and
26 until ~~their successors are~~ HIS OR HER SUCCESSOR IS elected ~~or~~
27 ~~appointed~~ and qualified. ~~All persons elected or appointed to~~

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1 ~~office shall enter upon the duties thereof, upon taking the oath~~
2 ~~of office and filing the requisite security, if any is required~~
3 ~~of them.~~ AN OFFICER APPOINTED TO FILL A VACANCY IN AN APPOINTIVE
4 OFFICE SHALL HOLD OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED
5 AND QUALIFIED.

6 Sec. 7. (1) ~~No~~ A person shall NOT be elected ~~or~~
7 ~~appointed~~ to ~~any~~ AN office unless he ~~shall be~~ OR SHE IS an
8 elector of the village. ~~And no person shall be elected or~~
9 ~~appointed to any office in the village who has been or is a~~
10 ~~defaulter to the village or to any board of officers thereof, or~~
11 ~~to any school district, county, or other municipal corporation of~~
12 ~~the state. All votes for or any appointment of any such~~
13 ~~defaulter shall be void. All officers~~

14 (2) A PERSON IN DEFAULT TO THE VILLAGE IS NOT ELIGIBLE FOR
15 ANY OFFICE IN THE VILLAGE. ALL VOTES IN AN ELECTION FOR OR ANY
16 APPOINTMENT OF A PERSON IN DEFAULT TO THE VILLAGE ARE VOID. AS
17 USED IN THIS SUBSECTION, "IN DEFAULT" MEANS DELINQUENT IN PAYMENT
18 OF PROPERTY TAXES OR A DEBT OWED TO THE VILLAGE IF 1 OF THE FOL-
19 LOWING APPLIES:

20 (A) THE TAXES REMAIN UNPAID AFTER THE LAST DAY OF FEBRUARY
21 IN THE YEAR FOLLOWING THE YEAR IN WHICH THEY ARE LEVIED, UNLESS
22 THE TAXES ARE THE SUBJECT OF AN APPEAL.

23 (B) ANOTHER DEBT OWED TO THE VILLAGE REMAINS UNPAID 90 DAYS
24 AFTER THE DUE DATE, UNLESS THE DEBT IS THE SUBJECT OF AN ADMINIS-
25 TRATIVE APPEAL OR A CONTESTED COURT CASE.

26 (3) NOT MORE THAN 30 DAYS AFTER RECEIVING NOTICE OF HIS OR
27 HER ELECTION OR APPOINTMENT, AN OFFICER of the village ~~, elected~~

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1 ~~or appointed,~~ shall take and subscribe the oath of office
2 prescribed by the constitution of the state ~~,~~ and file the
3 ~~same~~ OATH with the clerk. ~~, and in case of failure to do so,~~
4 ~~within 10 days after receiving notice of their election or~~
5 ~~appointment, shall be deemed~~ AN OFFICER WHO FAILS TO COMPLY WITH
6 THE REQUIREMENTS OF THIS SUBSECTION SHALL BE CONSIDERED to have
7 declined the office.

8 Sec. 11. If any ELECTED officer shall cease to be a resi-
9 dent of the village during his OR HER term of office, the office
10 shall be thereby vacated. If any officer ~~shall be a defaulter~~
11 IS ALLEGED TO BE IN DEFAULT AS DEFINED IN SECTION 7 OF THIS
12 CHAPTER, the office shall ~~thereby~~ be DECLARED vacated.

13 Sec. 12. If any person elected or appointed to office
14 ~~shall fail to take and file the oath of office, or shall fail~~
15 FAILS to give OR MAINTAIN the bond or security required for the
16 due performance of the duties of his OR HER office, within the
17 time ~~herein limited therefor, the council may~~ SPECIFIED UNDER
18 SECTION 8 OR 9 OF THIS CHAPTER, THE COUNCIL SHALL declare the
19 office vacant, unless ~~previously thereto he shall file the oath~~
20 ~~and give~~ THE OFFICER GIVES the requisite bond or security BEFORE
21 THE COUNCIL MAKES ITS DECLARATION.

22 Sec. 13. Any vacancy occurring in the office of president,
23 trustee, or any other elective office shall be filled by appoint-
24 ment by the council, and the appointee shall hold office until
25 the next ~~annual~~ REGULAR VILLAGE election. All vacancies in any
26 other office shall be filled by the president, by and with the
27 consent of the council. If by reason of removal, death,

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1 resignation, or otherwise, the membership of the council is
2 reduced to less than ~~the~~ A quorum, ~~of 4,~~ the remaining
3 COUNCIL members ~~of the council~~ shall call a special election
4 for the purpose of filling all vacancies in the office of trust-
5 ee, if a petition signed by not less than 10% of the qualified
6 voters of the village is filed with the village clerk within 10
7 days after the vacancy or vacancies occur. If a petition is not
8 filed within the time stated, then the remaining COUNCIL members
9 ~~of the council~~ may either call a special election, or may pro-
10 ceed to appoint a sufficient number of trustees to constitute
11 with the members in office a quorum of the council, who shall
12 then fill the remaining vacancies as provided in this section.
13 If all the officers and trustees of ~~any~~ A village ~~incorporated~~
14 ~~under any general or local act~~ have died or removed from the
15 village, and no successors have been elected or appointed to fill
16 the vacancies, the township clerk of the township within which
17 the village is situated shall, upon petition of 10% of the quali-
18 fied voters residing in the village, call a special election for
19 the election of the officers and trustees of the village, at a
20 date and place to be fixed by the township clerk, which date
21 shall be not more than 30 days after the receipt of the
22 petition. The township board of the township shall perform all
23 of the other duties with respect to the election as the village
24 ~~council~~ might have done had the vacancies not existed, includ-
25 ing the preparation of ballots, the appointment of election
26 inspectors, the counting and canvassing of the ballots, and the
27 certification of the persons elected to the offices for which the

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1 election was held. All of the expenses of the election shall be
2 a charge upon the village.

3 Sec. 14. The resignation or removal of ~~any~~ AN officer
4 ~~shall not, nor shall~~ OR the appointment or election of ~~another~~
5 ~~to the office, exonerate such~~ A SUCCESSOR TO THE OFFICER DOES
6 NOT EXONERATE THE officer or ~~his~~ THE OFFICER'S sureties from
7 any liability incurred by ~~him or them~~ THE OFFICER OR THE
8 OFFICER'S SURETIES.

9 Sec. 15. ~~Whenever any officer shall resign or be~~ WHEN AN
10 OFFICER RESIGNS OR IS removed from office, or WHEN the ELECTED
11 term ~~for which he shall have been elected or appointed shall~~
12 ~~expire, he~~ OF OFFICE EXPIRES, HE OR SHE shall ~~, on demand,~~
13 deliver over to his OR HER successor in office ~~, all the~~ books,
14 papers, ~~moneys, and effects in his custody as such officer, and~~
15 in any way appertaining to his office; and every person wilfully
16 violating this provision shall be deemed guilty of a misdemeanor,
17 and may be proceeded against in the same manner as public offi-
18 cers generally for the like offense under the general laws of
19 this state, now or hereafter in force and applicable thereto; and
20 every officer appointed or elected shall be deemed an officer
21 within the meaning and provisions of such general laws of the
22 state. MONEY, EVIDENCE OF DEBT, AND OTHER PROPERTY AS REQUIRED
23 BY SECTION 480 OF THE MICHIGAN PENAL CODE, 1931 PA 328, MCL
24 750.480.

25 CHAPTER III--ELECTIONS.

26 Sec. 2. Special elections may be ~~appointed~~ CALLED by
27 resolution of the council. ~~, and held at such times as they~~

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1 ~~shall determine,~~ THE RESOLUTION SHALL STATE the purpose and
2 object of ~~which shall be fully set forth in the resolution~~
3 ~~appointing such~~ AND, SUBJECT TO THE ELECTION LAWS OF THIS STATE,
4 THE DATE OF THE election.

5 SEC. 3. (1) EXCEPT AS PROVIDED IN THIS SECTION, VILLAGE
6 ELECTIONS SHALL BE PARTISAN. THE COUNCIL BY A VOTE OF 2/3 OF THE
7 MEMBERS OF COUNCIL MAY PROVIDE BY ORDINANCE THAT VILLAGE ELEC-
8 TIONS SHALL BE NONPARTISAN. THE ORDINANCE SHALL APPLY BEGINNING
9 WITH THE FIRST VILLAGE ELECTION FOR WHICH THE NOMINATION DEADLINE
10 IS NOT LESS THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE
11 ORDINANCE.

12 (2) THE COUNCIL SHALL PROVIDE THAT AN ORDINANCE ADOPTED
13 UNDER SUBSECTION (1) TAKES EFFECT 45 DAYS AFTER THE DATE OF ADOP-
14 TION UNLESS A PETITION SIGNED BY NOT LESS THAN 10% OF THE REGIS-
15 TERED ELECTORS OF THE VILLAGE IS FILED WITH THE VILLAGE CLERK
16 WITHIN THE 45-DAY PERIOD, IN WHICH CASE THE ORDINANCE TAKES
17 EFFECT UPON APPROVAL AT AN ELECTION HELD ON THE QUESTION. NOTICE
18 OF THE DELAYED EFFECT OF THE ORDINANCE AND THE RIGHT OF PETITION
19 UNDER THIS SUBSECTION SHALL BE PUBLISHED SEPARATELY AT THE SAME
20 TIME, AND IN THE SAME MANNER, AS THE ORDINANCE IS PUBLISHED PUR-
21 SUANT TO SECTION 4 OF CHAPTER VI. THE VILLAGE CLERK SHALL VERIFY
22 THE SIGNATURES ON THE PETITIONS. IF A PETITION BEARING THE
23 REQUIRED NUMBER OF VALID SIGNATURES OF ELECTORS IS FILED, THE
24 QUESTION OF ADOPTION OF THE ORDINANCE SHALL BE SUBMITTED AT THE
25 NEXT GENERAL OR SPECIAL ELECTION. THE BALLOT LANGUAGE FOR THE
26 QUESTION SHALL BE PREPARED BY THE VILLAGE CLERK.

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1 (3) A VILLAGE THAT HAS ADOPTED AN ORDINANCE PROVIDING FOR
2 NONPARTISAN ELECTIONS MAY REVERT TO PARTISAN ELECTIONS BY THE
3 SAME PROCESS AS PROVIDED IN SUBSECTIONS (1) AND (2).

4 SEC. 4. AN INDIVIDUAL WHO IS A REGISTERED ELECTOR OF THE
5 TOWNSHIP IN WHICH THE VILLAGE IS LOCATED AND WHO IS A RESIDENT OF
6 THE VILLAGE MAY VOTE AT ANY ELECTION IN THE VILLAGE.

7 Sec. 7. All elections in ~~said~~ THE village shall be con-
8 ducted as nearly as may be in the manner provided by law for
9 holding general elections in the state, except as ~~herein other-~~
10 ~~wise provided; and the inspectors of such election shall have the~~
11 ~~same powers and authority for the preservation of order, and for~~
12 ~~enforcing obedience to their lawful commands during the time of~~
13 ~~holding the election and the canvass of the votes, as are con-~~
14 ~~ferred by law upon inspectors of general elections held in this~~
15 ~~state~~ PROVIDED IN THIS ACT. If at any election vacancies are to
16 be filled, or if any person is to be elected for less than a full
17 term of office, the term shall be designated on the ballot.

18 CHAPTER IV--DUTIES OF OFFICERS.

19 Sec. 1. The president is the chief executive officer of the
20 village. He or she shall preside at the meetings of the
21 council. The president ~~shall be considered~~ IS a VOTING member
22 of the council. ~~, and shall have the right to vote upon any~~
23 ~~question before the council. He or she shall from time to time~~
24 THE PRESIDENT SHALL give the council information concerning the
25 affairs of the ~~corporation~~ VILLAGE, and recommend measures
26 which he or she considers expedient. Unless otherwise provided
27 in an ordinance adopted under section 8 of chapter V, the

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1 president shall exercise supervision over the affairs of the
2 village and over the public property belonging to the village.
3 The president shall see that the laws relating to the village and
4 the ordinances and regulations of the council are enforced.

5 Sec. 2. The president ~~shall be~~ IS a conservator of the
6 peace ~~,~~ and may exercise within the village the ~~powers con-~~
7 ~~ferred upon sheriffs~~ POWER to suppress disorder. ~~;~~ ~~and shall~~
8 ~~have authority to~~ THE PRESIDENT MAY command the assistance of
9 all able-bodied citizens to aid in the enforcement of the ordi-
10 nances of the council ~~,~~ ~~and to suppress riot and disorderly~~
11 ~~conduct~~ IN CASES OF EMERGENCY OR DISASTER, SUBJECT TO THE APPLI-
12 CABLE LIMITATIONS OF STATE LAW.

13 Sec. 3. The president may SUSPEND ANY OFFICER AUTHORIZED BY
14 THIS ACT OR APPOINTED PURSUANT TO THIS ACT FOR NEGLIGENCE OF DUTY,
15 AND WITH THE APPROVAL OF THE COUNCIL remove any officer appointed
16 by the ~~president at any time~~ COUNCIL when the president consid-
17 ers it in the public interest. ~~and may suspend any police offi-~~
18 ~~cer for neglect of duty.~~ The president ~~has the authority at all~~
19 ~~times to~~ MAY AT ANY TIME examine and inspect the books, records,
20 and papers of any agent, employee, or officer of the
21 ~~corporation~~ VILLAGE, and shall perform generally all ~~such~~
22 duties ~~as are~~ prescribed by the ordinances of the village.
23 This section is subject to an ordinance adopted under section 8
24 of chapter V.

25 Sec. 5. (1) The clerk shall keep the corporate seal and all
26 the documents, official bonds, papers, files, and records of the
27 village, not by this act or the ordinances of the village

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1 entrusted to some other officer. ~~; he shall be~~ THE CLERK IS THE
2 clerk of the council ~~,~~ and shall attend its meetings.

3 (2) In case of the absence of the clerk, or if from any
4 cause ~~he shall be~~ THE CLERK IS unable to discharge, or ~~be~~ IS
5 disqualified from performing, ~~the~~ HIS OR HER duties, ~~required~~
6 ~~of him, then~~ the council may appoint ~~1 of their own number~~ A
7 COUNCIL MEMBER, or some other person, to perform the duties of
8 the clerk for the time being.

9 (3) The clerk shall record all the proceedings and resolu-
10 tions of the council, and shall record, or cause to be recorded,
11 all the ordinances of the village. ~~He~~

12 (4) THE CLERK shall countersign and register all licenses
13 granted. ~~; he shall, when required, make and certify, under the~~
14 ~~seal of the village, copies~~

15 (5) WHEN REQUIRED, THE CLERK SHALL MAKE REPRODUCTIONS PURSU-
16 ANT TO THE RECORDS MEDIA ACT, 1992 PA 116, MCL 24.401 TO 24.403,
17 of the papers and records filed and kept in his OR HER office ~~→~~
18 ~~and such copies shall be evidence in all places of the matters~~
19 ~~therein contained, to the same extent as the original would be.~~
20 ~~He shall possess and exercise the powers of the township clerk so~~
21 ~~far as the same are required to be performed within the village,~~
22 ~~except as to the filing of chattel mortgages; and he shall have~~
23 ~~authority to~~ AND SHALL CERTIFY THE REPRODUCTIONS UNDER THE SEAL
24 OF THE VILLAGE. THE ADMISSIBILITY IN EVIDENCE OF SUCH REPRODUC-
25 TIONS IS GOVERNED BY SECTION 3 OF 1964 PA 105, MCL 691.1103.

26 (6) THE CLERK MAY administer oaths and affirmations.

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1 Sec. 6. (1) The clerk shall be the general accountant of
2 the village. ~~; and all claims~~

3 (2) CLAIMS against the ~~corporation~~ VILLAGE shall be filed
4 with ~~him~~ THE CLERK for adjustment. After examination,
5 ~~thereof, he~~ THE CLERK shall report the ~~same, with all~~ CLAIMS,
6 WITH THE accompanying vouchers and counterclaims of the village,
7 and the true balance, ~~as found by him,~~ to the council for
8 allowance. ~~, and when allowed shall draw his warrant upon~~ AFTER
9 THE CLAIMS ARE ALLOWED BY THE COUNCIL, THE CLERK SHALL PRESENT
10 CHECK DISBURSEMENT AUTHORIZATIONS TO the treasurer for ~~the~~ pay-
11 ment ~~thereof~~ OF THE CLAIMS, designating ~~thereon~~ the fund from
12 which payment is to be made, and take proper receipts. ~~therefor;~~
13 ~~but no warrant shall be drawn upon any~~

14 (3) THE CLERK SHALL NOT PRESENT CHECK DISBURSEMENT AUTHORI-
15 ZATIONS UPON A fund after the ~~same has been~~ FUND IS exhausted.
16 When ~~any~~ A tax or money ~~shall be~~ IS levied, raised, or appro-
17 priated, the clerk shall report the amount ~~thereof~~ to the vil-
18 lage treasurer, stating the objects and funds for which it is
19 levied, raised, or appropriated, and the amounts ~~thereof~~ to be
20 credited to each fund.

21 Sec. 7. ~~The~~ UNLESS OTHERWISE PROVIDED BY ORDINANCE, THE
22 clerk shall ~~have~~ DO ALL OF THE FOLLOWING:

23 (A) HAVE charge of all the books, vouchers, and documents
24 relating to the accounts, contracts, debts, and revenues of the
25 corporation. ~~; he shall countersign~~

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1 (B) COUNTERSIGN and register all bonds issued, and keep a
2 list of all property ~~and effects~~ belonging to the village, and
3 of all its debts and liabilities. ~~; he shall keep~~

4 (C) KEEP a complete set of books, exhibiting the financial
5 condition of the ~~corporation~~ VILLAGE in all its departments,
6 funds, resources, and liabilities, with a proper classification,
7 ~~thereof,~~ and showing the purpose for which each fund was
8 raised. ~~; he shall also keep an account with the treasurer, in~~
9 ~~which he shall charge him with all the moneys~~

10 (D) KEEP AN ACCOUNT OF ALL THE MONEY received for each of
11 the several funds of the village, and credit ~~him with all war-~~
12 ~~rants drawn thereon~~ ALL CHECK DISBURSEMENTS DRAWN, keeping an
13 account with each fund.

14 Sec. 9. The treasurer shall ~~have~~ DO ALL OF THE
15 FOLLOWING:

16 (A) HAVE the custody of all ~~moneys~~ MONEY, bonds other than
17 official BONDS FILED WITH THE CLERK UNDER CHAPTER II, mortgages,
18 notes, leases, and evidences of value belonging to the village.
19 ~~; he shall receive all moneys~~

20 (B) RECEIVE ALL MONEY belonging to, and receivable by the
21 corporation. ~~, and keep~~

22 (C) KEEP an account of all receipts and expenditures.
23 ~~thereof; he shall pay no money out of the treasury, except in~~
24 ~~pursuance of, and by authority of law, and upon warrants signed~~
25 ~~by the clerk and president, which shall specify the purpose for~~
26 ~~which the amounts thereof are to be paid; he shall collect~~

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1 (D) COLLECT and keep an account of ~~and be charged with~~ all
2 taxes and ~~moneys~~ MONEY appropriated, raised, or received for
3 each fund of the ~~corporation~~ VILLAGE, and ~~shall~~ keep a sepa-
4 rate account of each fund. ~~, and shall credit thereto all moneys~~
5 ~~raised, paid in, or appropriated therefor, and shall pay every~~
6 ~~warrant~~

7 (E) PAY CHECK DISBURSEMENT AUTHORIZATIONS out of the partic-
8 ular fund raised for the purpose for which the ~~warrant was~~
9 ~~issued~~ DISBURSEMENT WAS AUTHORIZED.

10 (F) PERFORM DUTIES PRESCRIBED BY THIS ACT RELATING TO
11 ASSESSING PROPERTY AND LEVYING TAXES.

12 Sec. 10. The treasurer shall ~~render~~ REPORT to the clerk
13 on the first Monday of every month, if required, ~~a report of~~
14 the amounts received and credited ~~by him~~ to each fund, ~~and~~ on
15 what account received, ~~and~~ the amounts paid out ~~by him~~ from
16 each fund during the preceding month, and the amount of money
17 remaining in each fund on the day of ~~his~~ THE report. ~~He~~ THE
18 TREASURER shall also exhibit to the council annually ~~on the~~
19 ~~first Monday in March~~ WITHIN 45 DAYS AFTER THE END OF THE FISCAL
20 YEAR, and as often and for such period as the council shall
21 require, a full and detailed account of the receipts and dis-
22 bursements of the treasury since the date of ~~his~~ THE
23 TREASURER'S last annual report, classifying them ~~therein~~ by the
24 funds to which ~~such~~ THE receipts are credited and out of which
25 ~~such~~ THE disbursements are made, and the balance remaining in
26 each fund. ~~; which account shall be filed in the office of the~~

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1 ~~clerk, and shall be published in 1 of the newspapers of the~~
2 ~~village, if any be published therein.~~

3 Sec. 11. ~~Said~~ THE treasurer shall take vouchers for all
4 money paid from the treasury, showing the amount and fund from
5 which payment was made. ~~, which vouchers upon settlement~~ UPON
6 SETTLEMENT OF THE VOUCHERS with the proper officers of the
7 village, ~~shall be surrendered and filed~~ THE TREASURER SHALL
8 FILE THE VOUCHERS with the clerk.

9 Sec. 12. The treasurer shall keep all ~~moneys in his hands~~
10 ~~belonging to the village separate and distinct from his own~~
11 ~~moneys, and he is hereby prohibited from using~~ VILLAGE MONEY IN
12 DEPOSITORY ACCOUNTS AUTHORIZED BY LAW. THE TREASURER SHALL NOT
13 USE, either directly or indirectly, the ~~corporation moneys~~
14 VILLAGE MONEY, warrants, or evidences of debt ~~in his custody or~~
15 ~~keeping,~~ for his OR HER own use or benefit, or that of any other
16 person. ~~; any violation of the provisions of this section shall~~
17 ~~work a forfeiture of his office, and the council, on~~ ON proof of
18 the ~~fact~~ VIOLATION, ~~are authorized to~~ THE VILLAGE COUNCIL
19 SHALL declare the office vacant and appoint ~~his~~ A successor for
20 the remainder of ~~his~~ THE term.

21 Sec. 21. The president and each trustee shall receive com-
22 pensation for the performance of the duties of the office of
23 president or trustee only as provided by ordinance. The ordi-
24 nance shall specify ~~the manner and method that~~ HOW the compen-
25 sation is ~~due and payable.~~ ~~Said~~ DETERMINED DUE AND PAID.
26 EXCEPT AS OTHERWISE PROVIDED BY LAW, THESE officers shall receive
27 no other compensation for services performed for and on behalf of

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1 ~~said~~ THE village during their term of office. Except as
2 otherwise provided in this act or by other law regulating fees
3 for services, other officers shall receive such compensation as
4 may be prescribed by the council.

5 CHAPTER V--VILLAGE COUNCIL.

6 Sec. 1. The legislative authority of villages shall be
7 vested in ~~a council consisting of the president and trustees~~
8 THE COUNCIL.

9 Sec. 2. The president shall be president of the council,
10 and preside at the meetings ~~thereof~~ OF THE COUNCIL.

11 Sec. 3. On the second Monday in April in each year, or as
12 soon thereafter as ~~may be~~ POSSIBLE, the council shall appoint 1
13 of their number president pro tempore of the council, who in the
14 absence of the president shall preside at the COUNCIL meetings,
15 ~~thereof,~~ and exercise the powers and duties of president. In
16 the absence of the president and president pro ~~tem.~~ ~~the council~~
17 shall appoint 1 of their number to preside TEMPORE, THE MEMBER
18 WITH THE LONGEST CURRENT PERIOD OF CONTINUOUS SERVICE ON THE
19 COUNCIL SHALL PRESIDE UNLESS OTHERWISE PROVIDED BY COUNCIL
20 RULES.

21 Sec. 5. (1) The council shall prescribe the rules of its
22 own proceedings, and shall keep a record of those proceedings. A
23 majority of the members OF COUNCIL shall be a quorum for the
24 transaction of business. A lesser number may adjourn and compel
25 the attendance of absent members in a manner as prescribed by
26 ordinance.

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1 (2) An office shall not be created or abolished; ~~a tax or~~
2 ~~assessment imposed;~~ a street, alley, or public ground vacated;
3 real estate or an interest in real estate purchased, leased,
4 sold, or disposed of; or a public improvement ordered, except by
5 a ~~concurring~~ MAJORITY vote of ~~2/3 of~~ the members OF COUNCIL.
6 The vote shall be taken by yeas and nays, and entered in the
7 journal. HOWEVER, A TAX SHALL NOT BE INCREASED OR A SPECIAL
8 ASSESSMENT IMPOSED EXCEPT BY AN AFFIRMATIVE VOTE OF 2/3 OF THE
9 MEMBERS OF COUNCIL.

10 (3) Money shall not be appropriated except by ordinance or
11 resolution of the council. An ordinance appropriating money
12 shall not be passed, or a resolution appropriating money shall
13 not be adopted, except by a ~~concurring~~ MAJORITY vote of ~~2/3~~
14 ~~of~~ the members OF COUNCIL. THE VOTE SHALL BE TAKEN BY YEAS AND
15 NAYS, AND ENTERED IN THE JOURNAL. Within 15 days after a meeting
16 of the council, ~~the proceedings had or taken at the meeting,~~
17 ~~together with the vote of the members, shall be published in a~~
18 ~~newspaper circulated in the village, if there is a newspaper cir-~~
19 ~~culated in the village~~ A SYNOPSIS OR THE ENTIRETY OF THE PRO-
20 CEEDINGS, INCLUDING THE VOTE OF THE MEMBERS, PREPARED BY THE
21 CLERK AND APPROVED BY THE PRESIDENT SHOWING THE SUBSTANCE OF EACH
22 SEPARATE DECISION OF THE COUNCIL SHALL BE PUBLISHED IN A NEWSPA-
23 PER OF GENERAL CIRCULATION IN THE VILLAGE OR POSTED IN 3 PUBLIC
24 PLACES IN THE VILLAGE.

25 (4) ~~(2)~~ A writing prepared, owned, used, in the possession
26 of, or retained by ~~a village~~ THE council or BY the ~~village~~
27 clerk, treasurer, ~~marshal, or street commissioner~~ OR OTHER

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1 OFFICER OF THE VILLAGE in the performance of an official function
2 shall be made available to the public in compliance with the
3 freedom of information act, ~~Act No. 442 of the Public Acts of~~
4 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled~~
5 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

6 Sec. 7. (1) The council shall audit and allow all accounts
7 chargeable against the village. ~~; but no~~ AN account or claim or
8 contract shall NOT be received for audit or allowance ~~,~~ unless
9 it ~~shall be~~ IS accompanied with a certificate of an officer of
10 the ~~corporation~~ VILLAGE, or an affidavit of the person render-
11 ing it, ~~to the effect that he verily believes~~ that the services
12 therein charged have been actually performed or the property
13 delivered for the village, that the sums charged therefor are
14 reasonable and just, and that to the best of his OR HER knowledge
15 and belief, no set-off exists, ~~nor~~ AND NO payment has been made
16 on account thereof, except such SET-OFFS OR PAYMENTS as are
17 endorsed or referred to in ~~such~~ THE account or claim. ~~And~~
18 ~~every such~~ EACH account shall exhibit in detail all the items
19 making up the amount claimed, and the ~~true~~ date of each. THE
20 COUNCIL MAY ADOPT A DIFFERENT PROCEDURE FOR THE AUDIT AND ALLOW-
21 ANCE OF ACCOUNTS, CLAIMS, AND CONTRACTS THAN THAT PROVIDED BY
22 THIS SUBSECTION.

23 (2) It shall be a sufficient defense in any court, to ~~any~~
24 AN action or proceeding for the collection of any ~~demand or~~
25 claim against the village for personal injuries or otherwise that
26 it has never been presented, certified to, or verified ~~as~~
27 ~~aforsaid,~~ to the council for allowance AS PROVIDED IN THIS

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1 SECTION OR AS MAY BE REQUIRED UNDER DIFFERENT PROCEDURES ADOPTED
2 BY THE COUNCIL; or, if ~~such~~ THE claim is founded on contract,
3 that the ~~same~~ CLAIM was presented without the certificate or
4 affidavit ~~aforsaid and~~ REQUIRED BY THIS SECTION AND WAS
5 rejected for that reason; or, that the action or proceeding was
6 brought before the council had a reasonable time to investigate
7 and pass upon it.

8 Sec. 8. (1) The council may employ a village manager.

9 (2) The manager shall serve at the pleasure of the council.

10 (3) THE COUNCIL MAY ENTER INTO AN EMPLOYMENT CONTRACT WITH A
11 VILLAGE MANAGER FOR A PERIOD EXTENDING BEYOND THE TERMS OF THE
12 MEMBERS OF COUNCIL BUT NOT EXCEEDING 6 YEARS. AN EMPLOYMENT CON-
13 TRACT WITH A MANAGER SHALL BE IN WRITING AND SHALL SPECIFY THE
14 COMPENSATION TO BE PAID TO THE MANAGER, ANY PROCEDURE FOR CHANG-
15 ING COMPENSATION, ANY FRINGE BENEFITS, AND ANY OTHER CONDITIONS
16 OF EMPLOYMENT. THE CONTRACT SHALL STATE THAT THE MANAGER SERVES
17 AT THE PLEASURE OF THE COUNCIL. THE CONTRACT MAY PROVIDE FOR
18 SEVERANCE PAY OR OTHER BENEFITS IN THE EVENT THE EMPLOYMENT OF
19 THE MANAGER IS TERMINATED AT THE PLEASURE OF THE COUNCIL. Unless
20 otherwise provided by ordinance adopted under subsection ~~(2)~~
21 (4), the council may assign to the manager only those powers and
22 duties not required by law to be assigned to or performed by
23 another official of the village.

24 (4) ~~(2)~~ The council may adopt an ordinance assigning to
25 the manager an administrative duty imposed by this act on the
26 council; an administrative duty imposed by this act on the
27 village president; the authority to appoint, remove, direct, or

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1 supervise any employee or appointed official of the village; or
2 supervisory responsibility over the accounting, budgeting, per-
3 sonnel, purchasing, and related management functions imposed by
4 this act on the village clerk and the village treasurer. The
5 ~~assignment of responsibilities to the manager becomes effective~~
6 ~~upon adoption of the ordinance, except that the~~ council shall
7 provide in the ordinance that the assignment becomes effective
8 45 days after the date of adoption and that if a petition signed
9 by not less than 10% of the registered electors of the village is
10 filed with the village clerk within the 45-day period, the ordi-
11 nance shall not become effective until after the ordinance is
12 approved at an election held on the question. Notice of the
13 delayed effect of the ordinance and the right of petition under
14 this subsection shall be published separately at the same time,
15 and in the same manner, as the ordinance is published pursuant to
16 section 4 of chapter VI. The village clerk shall compare the
17 signatures on the petitions to the signatures of those electors
18 as they appear on the APPROPRIATE registration cards. ~~of the~~
19 ~~village.~~ If a petition bearing the required number of valid sig-
20 natures of electors is filed, the clerk shall perform the acts
21 required for the submission of the question of adoption of the
22 ordinance at the next general or special election. An ordinance
23 adopted before ~~the effective date of this subsection~~ DECEMBER
24 2, 1985 that conforms substantially with the requirements of this
25 subsection is valid to the same extent as if the ordinance had
26 been adopted ~~after the effective date of this subsection~~ ON OR
27 AFTER DECEMBER 2, 1985.

CHAPTER VI--ORDINANCES.

1
2 Sec. 1. The style of an ordinance shall be: "The village
3 of ordains." An ordinance, except as
4 otherwise provided in this act, requires for its passage the con-
5 currence of a majority VOTE of the MEMBERS OF council. An ordi-
6 nance SHALL STATE ITS EFFECTIVE DATE, WHICH MAY BE UPON PUBLICA-
7 TION, EXCEPT THAT AN ORDINANCE imposing a sanction shall not take
8 effect ~~in less than 20 days~~ BEFORE THE TWENTIETH DAY after its
9 passage OR BEFORE THE DATE OF ITS PUBLICATION, WHICHEVER OCCURS
10 FIRST.

11 Sec. 3. ~~All ordinances, when regularly enacted,~~ UPON
12 ENACTMENT, EACH ORDINANCE shall be recorded by the clerk of the
13 council ~~—~~ in a book to be called "the record of ordinances,"
14 and ~~it shall be the duty of~~ the president and clerk ~~to authen-~~
15 ~~ticate the same by their official signatures upon such record—~~
16 SHALL AUTHENTICATE EACH ORDINANCE BY PLACING HIS OR HER OFFICIAL
17 SIGNATURE UPON THE ORDINANCE.

18 Sec. 3a. ~~Each village shall have the power, whether pro-~~
19 ~~vided in its charter or not, to~~ A VILLAGE MAY codify, recodify,
20 and continue in code the village's ~~municipal~~ ordinances, in
21 whole or in part, without the necessity of publishing the entire
22 code in full. The ordinance adopting the code and ordinances
23 repealing, amending, continuing, or adding to the code shall be
24 published as required by ~~law provided that notification states—~~
25 SECTION 4 OF THIS CHAPTER. THE PUBLICATION SHALL STATE where a
26 copy of the entire code can be reviewed and obtained. The
27 ordinance adopting the code may amend, repeal, revise, or

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1 rearrange ordinances or parts of ordinances by references to the
2 title only.

3 Sec. 4. Within 15 days after the passage of an ordinance,
4 the ordinance or a synopsis of the ordinance shall be published
5 in a newspaper circulated in the village. Immediately after pub-
6 lication, the clerk shall enter in the record of ordinances, in a
7 blank space to be left for that purpose under the record of the
8 ordinance, a certificate under the clerk's hand, stating the time
9 and places of the publication. The certificate shall be prima
10 facie evidence of the due publication of the ordinance or the
11 synopsis. A village may adopt a plumbing code, electrical code,
12 ~~or~~ MECHANICAL CODE, FIRE PROTECTION CODE, building code, ~~which~~
13 ~~has been~~ OR OTHER CODE promulgated by this state, by a depart-
14 ment, board, or other agency of this state, or by an organization
15 or association which is organized or conducted for the purpose of
16 developing a code by reference to the code in an adopting ordi-
17 nance and without publishing the code in full. The code shall be
18 clearly identified in the ordinance and a statement of the pur-
19 pose of the code shall be published with the adopting ordinance.
20 Printed copies of the code shall be kept in the office of the
21 village clerk available for inspection by ~~and~~ OR distribution
22 TO THE PUBLIC DURING NORMAL BUSINESS HOURS. THE VILLAGE MAY
23 CHARGE A FEE THAT DOES NOT EXCEED THE ACTUAL COST FOR COPIES OF
24 THE CODE DISTRIBUTED to the public. ~~at all times.~~ The publica-
25 tion in the newspaper shall contain a notice to the effect that a
26 complete copy of the code is available for public use and
27 inspection at the office of the village clerk.

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1 Sec. 8. Every village shall be allowed the use of the jail
2 of the county in which it is located, for the confinement of all
3 persons ~~liable~~ SENTENCED to imprisonment under the ordinances
4 ~~thereof~~ OF THE VILLAGE, or under any of the provisions of this
5 act; and the sheriff, or other keeper of ~~such~~ THE jail, or
6 other place of confinement or imprisonment, shall receive and
7 safely keep any person committed ~~thereto as aforesaid,~~ until
8 lawfully discharged. ~~In all cases of imprisonment for breaches~~
9 ~~of the penal laws of this state, such receiving and keeping in~~
10 ~~such jail shall be at the expense of the county in which the vil-~~
11 ~~lage is located; in all other cases it shall be at the expense of~~
12 ~~the village.~~ THE EXPENSE OF RECEIVING AND KEEPING A PRISONER
13 SHALL BE BORNE BY THE COUNTY IF THE IMPRISONMENT IS FOR A VIOLA-
14 TION OF A PENAL LAW OF THIS STATE AND BY THE VILLAGE IF THE
15 IMPRISONMENT IS FOR A VIOLATION OF A VILLAGE ORDINANCE.

16 Sec. 9. (1) An action for the violation of an ordinance
17 need not state or set forth the ordinance, or the provisions of
18 the ordinance in a complaint, warrant, process, or pleading, but
19 shall recite the ordinance's title OR SUBJECT and ~~date of its~~
20 ~~passage, adoption, or approval~~ THE ORDINANCE'S SECTION NUMBER.

21 (2) It is a sufficient statement of the cause of action in a
22 complaint or warrant to set forth substantially, and with reason-
23 able certainty, as to time and place, the act complained of, and
24 to allege the act to be in violation of an ordinance of the vil-
25 lage, referring to the ordinance by its title and the ~~date of~~
26 ~~its passage, adoption, or approval~~ SECTION NUMBER AND EFFECTIVE

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1 DATE. Either party may require a trial by jury in an action for
2 violation of the ordinance.

3 (3) The jury, except when other provision is made, shall
4 consist of 6 persons. In actions commenced by warrant, the jury
5 shall be selected and summoned as in misdemeanor cases before the
6 court in which the prosecution for the village ordinance viola-
7 tion is brought. In a civil action to recover penalties for a
8 village ordinance violation, the jury shall be selected and sum-
9 moned as in any other civil action before the court in which the
10 action is brought. An inhabitant of the village is not incompe-
11 tent to serve as a juror in a cause in which the village is a
12 party or interested, on account merely of the interest that the
13 inhabitant may have, in common with the inhabitants of the vil-
14 lage, in the results of the action.

15 (4) This section does not apply to an ordinance violation
16 that constitutes a civil infraction.

17 Sec. 11. The council shall have power to provide and main-
18 tain a village ~~prison, and such watch or station houses as may~~
19 ~~be necessary~~ LOCKUP OR HOLDING FACILITY, and may provide for the
20 confinement ~~therein of all persons liable~~ OF PERSONS SENTENCED
21 to imprisonment or detention under the ordinances of the village.
22 ~~, and for the employment of those imprisoned therein.~~ All per-
23 sons sentenced to confinement ~~in such prison,~~ and all persons
24 imprisoned ~~therein~~ on execution for nonpayment of fines for
25 violation of the ordinances of the village ~~,~~ IN THE LOCKUP OR
26 HOLDING FACILITY may be kept at hard labor during the term of

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1 their imprisonment, either within or without the prison, under
2 such regulations as the council may prescribe.

3 Sec. 12. In ~~all~~ prosecutions for violations of the ordi-
4 nances of the village, commenced by ~~any~~ A person other than an
5 officer of the village, the court may require the
6 ~~prosecutor~~ COMPLAINING WITNESS to file security for the payment
7 of the costs of the proceedings, in case the defendant is
8 ~~acquitted~~ DETERMINED NOT TO BE RESPONSIBLE. But ~~he shall not~~
9 ~~be liable for the payment of the costs if~~ the JUDGE OR magis-
10 trate before whom the complaint is made or trial is had ~~, shall~~
11 ~~certify in his minutes~~ SHALL ORDER THAT THE COMPLAINING WITNESS
12 IS NOT LIABLE FOR THE PAYMENT OF COSTS IF THE MAGISTRATE OR JUDGE
13 DETERMINES that there was probable cause for the making of ~~such~~
14 THE complaint.

15 Sec. 14. ~~If any person who shall have received any such~~
16 ~~fine or any part thereof, shall neglect to pay over the same pur-~~
17 ~~suant to the foregoing provision, it shall be the duty of the~~
18 ~~council to cause suit to be commenced immediately therefor, in~~
19 ~~the name of the village, and to prosecute the same to effect.~~
20 ~~Any person receiving any such fine, who shall willfully neglect~~
21 ~~or refuse to pay over the same as required by the foregoing pro-~~
22 ~~visions, shall be deemed guilty of a misdemeanor~~ IF A PERSON WHO
23 COLLECTS A FINE OR PART OF A FINE FAILS TO PAY OVER THE AMOUNT
24 COLLECTED PURSUANT TO SECTION 13, THE VILLAGE ATTORNEY MAY SUE
25 THE PERSON IN THE NAME OF THE VILLAGE TO RECOVER THE FINE. IF
26 THE FAILURE TO PAY OVER THE FINE IS WILLFUL, THE PERSON IS GUILTY
27 OF LARCENY and shall be punished accordingly.

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1 CHAPTER VII--POWERS OF COUNCIL.

2 SEC. 1A. (1) UNLESS OTHERWISE PROVIDED OR LIMITED IN THIS
3 CHAPTER, THE VILLAGE IS VESTED WITH ALL POWERS AND IMMUNITIES,
4 EXPRESSED OR IMPLIED, THAT VILLAGES ARE, OR HEREAFTER MAY BE,
5 PERMITTED TO EXERCISE UNDER THE CONSTITUTION AND LAWS OF THE
6 STATE OF MICHIGAN. THE ENUMERATION OF PARTICULAR POWERS OR IMMU-
7 NITIES IN THIS ACT IS NOT EXCLUSIVE.

8 (2) THE VILLAGE MAY DO ALL OF THE FOLLOWING:

9 (A) EXERCISE ALL MUNICIPAL POWERS IN THE MANAGEMENT AND CON-
10 TROL OF MUNICIPAL PROPERTY AND IN THE ADMINISTRATION OF THE
11 MUNICIPAL GOVERNMENT WHETHER SUCH POWERS ARE EXPRESSLY ENUMERATED
12 OR NOT.

13 (B) DO ANY ACT TO ADVANCE THE INTERESTS, GOOD GOVERNMENT,
14 AND PROSPERITY OF THE VILLAGE.

15 (C) THROUGH ITS REGULARLY CONSTITUTED AUTHORITY, PASS AND
16 ENFORCE ALL LAWS, ORDINANCES, RESOLUTIONS, AND RULES RELATING TO
17 ITS MUNICIPAL CONCERNS SUBJECT TO THE CONSTITUTION AND LAWS OF
18 THE STATE.

19 (3) THE POWERS OF THE VILLAGE UNDER THIS ACT SHALL BE LIBER-
20 ALLY CONSTRUED IN FAVOR OF THE VILLAGE AND SHALL INCLUDE THOSE
21 FAIRLY IMPLIED AND NOT PROHIBITED BY LAW OR CONSTITUTION.

22 (4) THE SPECIFIC POWERS LISTED IN SECTION 1 OF THIS CHAPTER
23 SHALL NOT BE CONSTRUED AS LIMITING THE GENERAL POWERS SET FORTH
24 IN SUBSECTIONS (1), (2), AND (3).

25 Sec. 3. ~~The council may provide and maintain 1 or more~~
26 ~~pounds within the village; appoint, prescribe the powers and~~
27 ~~duties of, and fix the compensation of pound masters; and~~

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1 ~~authorize the impounding of animals found at large, contrary to~~
2 ~~an ordinance of the village. If there is no pound or pound~~
3 ~~master, the council may provide for the impounding of an animal~~
4 ~~by the village marshal, in some suitable place, under his or her~~
5 ~~immediate care and inspection and may confer on him or her the~~
6 ~~powers and duties of pound master. The council may also pre-~~
7 ~~scribe the fees for impounding an animal, and the amount or rate~~
8 ~~of expenses for keeping an impounded animal, and the charges to~~
9 ~~be paid by the owner or keeper of an impounded animal. The coun-~~
10 ~~cil may authorize the sale of an impounded animal for the payment~~
11 ~~of the fees, expenses, and charges, and for sanctions incurred,~~
12 ~~and may impose sanctions for rescuing an animal impounded. THE~~
13 COUNCIL MAY MAINTAIN AN ANIMAL POUND AND PROVIDE FOR ALL OF THE
14 FOLLOWING:

15 (A) THE IMPOUNDMENT OF ANIMALS AT LARGE CONTRARY TO THE
16 TERMS OF AN ORDINANCE.

17 (B) THE DESTRUCTION OF ANIMALS NOT RETRIEVED OR FOR THEIR
18 SALE TO RECOVER EXPENSES.

19 (C) THE PAYMENT BY THE OWNER OF FEES, CHARGES, AND PENALTIES
20 INCURRED FOR RETRIEVAL OF THE ANIMAL.

21 Sec. 4. A village may acquire, purchase, and erect ~~such~~
22 public buildings ~~, as may be~~ required for the use of the
23 ~~corporation~~ VILLAGE, and may purchase, appropriate, and own
24 ~~such~~ real estate ~~as may be~~ necessary for public grounds,
25 parks, markets, public buildings, and other purposes necessary or
26 convenient for the public good, and for the ~~execution~~ EXERCISE
27 of the powers conferred in this act. Such buildings and grounds,

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1 or any part thereof, may be sold at A public ~~sale~~ or private
2 sale, if ~~pursuant to~~ AUTHORIZED BY an ordinance, or MAY BE
3 leased. ~~, as occasion may require.~~ A public park shall not be
4 sold without the consent of a majority of the ~~qualified~~ elec-
5 tors of the village VOTING ON THE QUESTION AT AN ELECTION.

6 Sec. 5. ~~When the council shall deem it for~~ IF THE COUNCIL
7 CONSIDERS IT IN the public interest, grounds and buildings for
8 ~~the village prison, hospital and pest-house,~~ A VILLAGE LOCKUP
9 OR HOLDING FACILITY OR HOSPITAL may be purchased, erected, and
10 maintained beyond the corporate limits of the village. ~~and in~~
11 ~~such cases the council shall have authority to~~ IN SUCH A CASE,
12 THE VILLAGE MAY enforce beyond the corporate limits of the vil-
13 lage, and over such lands, buildings and property, in the same
14 manner and to the same extent as if they were within the village,
15 ~~all such~~ ordinances and police regulations ~~as may be~~ neces-
16 sary for the care and protection thereof, and for the management
17 and control of the persons kept or confined in ~~such prison,~~
18 ~~pest-house~~ THE LOCKUP OR HOLDING FACILITY or hospital.

19 Sec. 6. The council ~~shall have authority to~~ MAY lay out,
20 establish, ~~or vacate and discontinue~~ public parks and grounds
21 within the village, and ~~to~~ improve, light, and ornament ~~the~~
22 ~~same, and to~~ PUBLIC PARKS AND GROUNDS WITHIN THE VILLAGE. THE
23 COUNCIL MAY regulate the use ~~thereof,~~ OF PUBLIC PARKS AND
24 GROUNDS and ~~to~~ protect the ~~same and the~~ PUBLIC PARKS AND
25 GROUNDS AND THEIR appurtenances ~~thereof~~ from obstruction,
26 encroachment, and injury.

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1 Sec. 7. The council shall have supervision and control of
2 all public highways, bridges, streets, avenues, alleys,
3 sidewalks, and public grounds within the village, and shall have
4 the ~~like~~ authority over ~~the same as~~ THESE THAT is given by
5 the general laws of the state. ~~No~~ A village ~~subject to the~~
6 ~~provisions of this act shall be~~ IS NOT liable in damages sus-
7 tained by any person in ~~such~~ THE village, either to his OR HER
8 person or property, by reason of ~~any~~ A defective street, side-
9 walk, crosswalk, or public highway, or by reason of ~~any~~ A
10 obstruction, ice, snow or other incumbrance upon ~~such~~ A street,
11 sidewalk, crosswalk, or public highway, situated in such village
12 unless ~~such person shall serve or cause~~ WITHIN 120 DAYS AFTER
13 THE INJURY OCCURS A PERSON SERVES OR CAUSES to be served ~~within~~
14 ~~60 days after such injury shall have occurred~~ a notice in writ-
15 ing upon the clerk or deputy clerk of ~~such~~ THE village. ~~—~~
16 ~~which~~ THE notice shall set forth substantially the time when and
17 place where ~~such~~ THE injury took place, the manner in which it
18 occurred, ~~and~~ the KNOWN extent of ~~such~~ THE injury, ~~as far as~~
19 ~~the same has become known,~~ and that the person receiving ~~such~~
20 THE injury intends to hold ~~such~~ THE village liable for ~~such~~
21 damages ~~as may have been~~ sustained by him ~~∴~~ ~~Provided, That~~
22 OR HER. HOWEVER, the ROAD OR HIGHWAY bridges within the limits
23 of ~~any~~ A village ~~incorporated under this act in the highways~~
24 ~~leading into or through the said village which have been laid out~~
25 ~~or shall hereafter be laid out by the commissioner of highways of~~
26 ~~the township or townships in which said village may be located,~~
27 ~~or~~ laid out by any ~~other~~ authority other than ~~that of said~~

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1 THE village, shall be built, controlled, and kept in repair by
2 the ~~township or townships in which the same may be located, the~~
3 ~~same as if said village were not incorporated and the fact that~~
4 ~~any such highways are laid out and used as such at the time of~~
5 ~~such incorporation of said village shall be deemed sufficient to~~
6 ~~make the same township highways, and the township or townships in~~
7 ~~which they may be located liable as aforesaid, and all~~ COUNTY OR
8 THIS STATE, WHICHEVER HAS JURISDICTION. ALL other bridges in
9 ~~said~~ THE village shall be built, controlled, and kept in repair
10 by ~~said~~ THE village.

11 Sec. 9. The council may, either by ordinance or resolution,
12 ~~cause and~~ require the owners and occupants of ~~any~~ A lot or
13 premises to remove all snow and ice from the sidewalks in front
14 of or adjacent to the lot and premises, and to keep the sidewalks
15 free from obstructions, encroachments, incumbrances, filth, and
16 other nuisances. The council may by a ~~2/3~~ MAJORITY vote of
17 ~~the~~ members OF COUNCIL provide by ordinance for the rebuilding,
18 maintaining, and keeping in repair of all sidewalks within the
19 village, for the removing of all ice and snow from the sidewalks,
20 and for keeping them free from incumbrances, and may pay the
21 expense ~~thereof~~ from the general street fund. ~~, or from the~~
22 ~~street district fund of any street district in which the sidewalk~~
23 ~~is located.~~

24 Sec. 10. If the owner or occupant of ~~any~~ A lot or
25 premises ~~shall fail~~ FAILS to construct or maintain ~~any~~
26 ~~particular~~ A sidewalk, ~~as mentioned and prescribed in the last~~
27 ~~section, or shall fail~~ to keep the ~~same~~ SIDEWALK in repair,

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1 ~~or~~ to remove the snow, ice, and filth ~~therefrom~~ FROM THE
2 SIDEWALK, or to remove and keep the ~~same~~ SIDEWALK free from
3 obstructions, encroachments, incumbrances, or other nuisances, AS
4 REQUIRED UNDER SECTION 8 OR 9 OF THIS CHAPTER, or ~~shall fail~~ to
5 perform any other duty required by the council in respect to
6 ~~such sidewalks, within such time and such manner as the council~~
7 ~~shall require~~ A SIDEWALK, the council may cause the ~~same~~ WORK
8 to be done ~~, and such sidewalk to be constructed or repaired,~~
9 at the expense of ~~such~~ THE owner or occupant, and ~~the council~~
10 may cause the amount of ~~all~~ THE expenses incurred, ~~thereby,~~
11 together with a penalty of 10% ~~per cent in addition thereto, to~~
12 ~~be reported to the board of special assessors,~~ to be levied by
13 them as a special ~~tax or~~ assessment upon the lot or premises
14 adjacent to and abutting upon ~~such~~ THE sidewalk. ~~, which~~ THE
15 special assessment ~~shall be~~ IS subject to review after proper
16 notice has been given as in all other cases of special assess-
17 ments provided for by ~~this act; and such tax when confirmed~~
18 LAW. WHEN CONFIRMED, THE ASSESSMENT shall be a lien upon ~~such~~
19 THE lot or premises the same as other special assessments, and
20 the council shall order the ~~assessor~~ TREASURER of the village
21 to spread ~~said~~ THE amount, together with ~~such~~ THE penalty,
22 upon ~~his~~ THE roll as a special assessment upon ~~such~~ THE lot
23 or premises. ~~, and the same~~ THE ASSESSMENT shall be collected
24 in the same manner as other village taxes. ~~; or the~~ THE village
25 may INSTEAD collect ~~such~~ THE amount, together with the penalty
26 ~~aforesaid, from the owner or occupant of such premises in an~~

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1 ~~action of assumpsit~~ IN A CIVIL ACTION, together with costs of
2 suit.

3 Sec. 12. The council ~~shall have power to~~ MAY lay out,
4 establish, open, make, widen, extend, straighten, alter, close,
5 vacate, or abolish ~~any~~ A highway, street, lane, alley, side-
6 walk, sewer, drain, water course, bridge, or culvert in the vil-
7 lage ~~whenever they shall deem the same~~ IF THE COUNCIL CONSIDERS
8 IT TO BE a public improvement, or necessary for the public
9 convenience. ~~; and if in so doing it shall be necessary to take~~
10 ~~or use private property, the same~~ PRIVATE PROPERTY REQUIRED FOR
11 THESE PURPOSES may be taken in the manner provided in this act.
12 The expense of ~~such~~ THE improvement may be paid by special
13 assessments upon the property adjacent to or benefited by ~~such~~
14 THE improvement, in the manner ~~in this act~~ provided BY LAW for
15 levying and collecting special assessments, or in the discretion
16 of the council, a portion of such costs and expenses may be paid
17 by special ~~assessments as aforesaid~~ ASSESSMENT, and the balance
18 from the general highway fund.

19 Sec. 13. When the council considers it advisable to vacate,
20 discontinue, or abolish a highway, street, lane, alley, or public
21 ground, or a part of a highway, street, lane, alley, or public
22 ground, it shall by resolution declare its intent and appoint a
23 time not less than 4 weeks after the date of the resolution, when
24 it shall meet and hear objections to the resolution. Notice of
25 the meeting, with a copy of the resolution, shall be given in the
26 manner prescribed by the open meetings act, ~~Act No. 267 of the~~
27 ~~Public Acts of 1976, being sections 15.261 to 15.275 of the~~

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1 ~~Michigan Compiled Laws~~ 1976 PA 267, MCL 15.261 TO 15.275. An
2 objection to the proposed action of the council may be filed with
3 the clerk in writing, and if an objection is filed, the highway,
4 street, lane, alley, or public ground, or a part of the highway,
5 street, lane, alley, or public ground, shall not be vacated or
6 discontinued, except BY A RESOLUTION OR ORDINANCE STATING, IF
7 APPLICABLE, THE NAME OF THE PLAT OR PLATS AFFECTED AND ADOPTED by
8 a MAJORITY vote ~~of 2/3~~ of the members of ~~the~~ council OR BY
9 ORDER OF THE CIRCUIT COURT IN THE COUNTY IN WHICH THE LAND IS
10 SITUATED AS PROVIDED BY THE LAND DIVISION ACT, 1967 PA 288, MCL
11 560.101 TO 560.293. THE CLERK OF THE MUNICIPALITY WITHIN 30 DAYS
12 SHALL RECORD A CERTIFIED COPY OF THE RESOLUTION OR ORDINANCE WITH
13 THE REGISTER OF DEEDS AND FILE A CERTIFIED COPY WITH THE DEPART-
14 MENT OF CONSUMER AND INDUSTRY SERVICES.

15 Sec. 16. (1) Whenever the grade of any street or sidewalk
16 ~~shall have been heretofore or shall hereafter be~~ IS estab-
17 lished, and improvements ~~shall thereafter be~~ ARE made by the
18 owner or occupant of the adjacent property in conformity to
19 ~~such~~ THE grade, ~~such~~ THE grade shall not be changed without
20 compensation to the owner for all damages to ~~such~~ THE property
21 resulting ~~therefrom, to be ascertained by a jury as provided in~~
22 ~~chapter 13 of this act, or said damages may be ascertained and~~
23 FROM THE GRADE CHANGE. THE DAMAGES SHALL BE ASCERTAINED IN THE
24 MANNER PROVIDED BY THE UNIFORM CONDEMNATION PROCEDURES ACT, 1980
25 PA 87, MCL 213.51 TO 213.75, OR agreed upon by ~~and between such~~
26 THE village and the owner or occupant of ~~such~~ premises.
27 ~~Whenever such damage shall be~~ AFTER THE DAMAGES ARE ascertained

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1 or agreed upon, ~~as heretofore provided, such damages or such~~
2 ~~part thereof as the council shall deem equitable and just,~~ THE
3 DAMAGES shall be paid by the village, or the council may cause
4 ~~such~~ THE damages, or such part thereof as may be just and
5 proper, to be assessed upon ~~such~~ real estate ~~as may~~ TO be
6 benefited by ~~reason of~~ the change of ~~such~~ grade. ~~, and when~~
7 ~~ever the council shall determine to assess such~~
8 (2) IF THE COUNCIL DECIDES TO ASSESS THE damages, or any
9 part thereof, upon the property benefited, it shall determine and
10 define a district in ~~said~~ THE village which in its judgment is
11 benefited by the improvement out of which ~~said~~ THE damages
12 arise. ~~, and shall cause the same to be assessed upon such dis-~~
13 ~~trict, which said assessment shall be upon the owners or occu-~~
14 ~~pants of~~ THE DAMAGES OR PART THEREOF SHALL BE ASSESSED UPON the
15 ~~taxable~~ real estate in ~~said~~ THE district, in proportion as
16 nearly as may be to the advantage or benefit each lot, parcel, or
17 subdivision is deemed to acquire by the improvement out of which
18 ~~such~~ THE damages arise. ~~; but the~~ THE property on account of
19 which ~~such~~ THE damages were awarded shall not be included in
20 ~~said~~ THE district. The assessment shall be made, and the
21 amount levied and collected in the same manner as other assess-
22 ments on a district deemed to be benefited, in the grading and
23 improvement of streets, as provided ~~for in this act~~ BY LAW; and
24 ~~all of~~ the provisions of chapter ~~8 of this act~~ VIII relative
25 to special assessments ~~and the collection thereof,~~ shall apply.
26 ~~thereto. Such damages, when collected as aforesaid, or when~~
27 THE DAMAGES determined upon by the village ~~,~~ OR DETERMINED AND

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1 COLLECTED BY SPECIAL ASSESSMENT shall be paid to the person
2 entitled ~~thereto~~ TO THE DAMAGES.

3 Sec. 18. The expense of constructing and maintaining
4 bridges, and the whole, or such part as the council shall deter-
5 mine, of the expense of improving and working UPON THE STREETS
6 AND HIGHWAYS, including grading, PAVING, and graveling, ~~upon the~~
7 ~~streets and highways,~~ may be paid from the general highway fund,
8 to be raised by tax upon all the property in the village. ~~or,~~
9 ~~the village may be divided into street districts, and a part of~~
10 ~~the whole expense of improving and working the streets, in each~~
11 ~~district may be paid from a street district fund, to be raised by~~
12 ~~a tax upon the property in the district. The~~ ALL OR PART OF THE
13 expense of grading, paving, OR graveling ~~and planking~~ any
14 street may ALSO be defrayed by a special assessment upon the lots
15 and premises abutting upon ~~such~~ THE improvement, in proportion
16 to their number of feet front upon the street. ~~or a part of~~
17 ~~such expense may be so paid, and the remainder may be paid from~~
18 ~~the general highway fund, or from the street district fund, as~~
19 ~~the council may decide.~~ The lots and premises to be assessed
20 according to their frontage upon a street improvement ~~as afore-~~
21 ~~said, shall~~ constitute a special assessment district. ~~The term~~
22 ~~paving shall include~~ AS USED IN THIS SECTION, "PAVING" INCLUDES
23 curbing and the construction of ~~cross walks~~ CROSSWALKS in the
24 paved streets.

25 Sec. 19. ~~When expenses for any such improvement shall be~~
26 ~~assessed in a special assessment district, and there shall be~~
27 ~~lands belonging to the village, school buildings, or other public~~

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1 ~~buildings or public grounds not taxable, fronting upon such~~
2 ~~improvement, such part of the expense of such improvement as in~~
3 ~~the opinion of the council or board of assessors making the spe-~~
4 ~~cial assessment would be justly apportionable to such public~~
5 ~~grounds, buildings, and city property, and to any interior~~
6 ~~squares or spaces formed by the intersection of streets, were~~
7 ~~they taxable, shall be paid from the general highway fund, and~~
8 ~~the balance of such expense shall be assessed upon the taxable~~
9 ~~lots and premises included in the special assessment district, in~~
10 ~~proportion to their number of feet frontage upon such~~
11 ~~improvement. When such assessment is to be made upon lots in~~
12 ~~proportion to their frontage upon the improvement, if from-~~
13 ASSESSMENTS MADE UNDER SECTION 18 UPON EXEMPT PUBLIC LANDS MAY BE
14 PAID FROM THE GENERAL HIGHWAY FUND, OR MAY BE APPORTIONED TO THE
15 OTHER ASSESSABLE LOTS, AT THE OPTION OF THE COUNCIL. IF BECAUSE
16 OF the shape or size of any lot an assessment thereon in propor-
17 tion to its frontage would be unjust and disproportionate to the
18 assessment upon other lots, the council ~~or board of assessors~~
19 making the assessment may assess ~~such~~ THE lot for such number
20 of feet frontage as in their opinion ~~will be~~ IS just.

21 Sec. 23. The council may regulate the use of public high-
22 ways, streets, avenues, and alleys of the village, subject to the
23 right of travel and passage therein. ~~They shall have authority~~
24 ~~to~~ THE COUNCIL MAY prescribe the stands for all vehicles kept
25 for hire, or used for the transportation of persons or property
26 for hire; ~~to~~ designate the places where loads of wood, coal,
27 hay, and other articles may stand for sale; ~~to~~ regulate traffic

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1 and sales in the streets and upon sidewalks; ~~to~~ regulate or
2 prohibit the display, use, or placing of signs, advertisements,
3 banners, awnings, posts, poles, or lamps in or over the streets;
4 ~~to~~ regulate or prohibit ~~all such~~ sports, amusement
5 proceedings, and gatherings of crowds in the streets ~~as~~ THAT
6 may interfere with the lawful use thereof, or render travel or
7 passage therein inconvenient or unsafe; ~~to~~ prohibit and prevent
8 the running at large of ~~beasts and fowls~~ ANIMALS in the streets
9 or elsewhere in the village, and ~~to~~ impose ~~penalties~~
10 SANCTIONS upon the owners or keepers ~~thereof permitting the~~
11 ~~same;~~ ~~to~~ RESPONSIBLE; cleanse and purify the streets; ~~, and to~~
12 prohibit, prevent, remove, and abate all nuisances ~~therein, and~~
13 ~~to require the authors and maintainers thereof to remove the~~
14 ~~same, and to punish them~~ IN THE STREETS, REQUIRE A PERSON CREAT-
15 ING OR MAINTAINING A NUISANCE TO REMOVE OR ABATE IT, SANCTION THE
16 PERSON for the creation or maintenance ~~thereof~~ OF THE NUISANCE,
17 and generally ~~to~~ prescribe and enforce ~~all such police~~ regu-
18 lations ~~over and in respect to~~ CONCERNING the public streets as
19 may be necessary to secure good order and safety to persons and
20 property in ~~the~~ THEIR lawful use ~~thereof,~~ and to promote the
21 general welfare. ~~;~~ ~~and in addition to all other powers herein~~
22 ~~granted~~ IN ADDITION, the council shall have the same authority
23 and powers over and in respect to the public streets of the vil-
24 lage as are conferred by law upon ~~highway commissioners in~~
25 ~~townships~~ THE BOARD OF COUNTY ROAD COMMISSIONERS.

26 Sec. 24. The council of any village may establish,
27 construct, and maintain sewers, drains, and ~~water courses~~

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1 WATERCOURSES whenever and wherever necessary. ~~, and~~ THESE
2 IMPROVEMENTS SHALL BE of such dimensions and materials, and under
3 such regulations as ~~they may deem~~ THE COUNCIL CONSIDERS proper
4 for the drainage of the village. ~~; and private property, or the~~
5 ~~use thereof,~~ PRIVATE PROPERTY may be taken therefor in the
6 manner provided by this act for taking private property for
7 public use. But in all cases where the council shall ~~deem~~
8 CONSIDER it practicable, such sewer, drain, and ~~water courses~~
9 WATERCOURSES shall be constructed in the public streets and
10 grounds.

11 Sec. 25. The expense of constructing sewers, drains, and
12 ~~water courses~~ WATERCOURSES may be paid by general tax upon
13 ~~all~~ the taxable property in the village; or the expenses may be
14 defrayed by special assessment upon the lands and premises bene-
15 fited ~~by the drainage,~~ in proportion to the benefits resulting
16 to each lot or parcel of land respectively; or such part of the
17 expense as the council shall determine may be defrayed by special
18 assessment, and the remainder may be paid by general tax.

19 Sec. 26. (1) Before proceeding to the construction of any
20 sewer, drain, or ~~water course, the expense or any~~ WATERCOURSE,
21 ALL OR part of the expense of which is to be defrayed by special
22 assessment, the council shall cause a map to be made of those
23 lands and premises which in their opinion will be benefited ~~by~~
24 ~~the drainage,~~ and which they intend to assess for the cost. ~~of~~
25 ~~the sewer or drain.~~ ~~Said~~ THOSE lands shall constitute a ~~sewer~~
26 SPECIAL ASSESSMENT district; and ~~said~~ THE map shall show the
27 boundaries and divisions of all the lots and premises in the

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1 district, ~~and~~ the proposed route and location of the ~~sewer~~
2 IMPROVEMENT through the ~~same; also its~~ THE DISTRICT, AND THE
3 depth, grade, and dimensions OF THE IMPROVEMENT. ~~Said~~ THE map,
4 with an estimate of the cost of the proposed work, shall be
5 deposited with the clerk, and notice shall be given by publica-
6 tion in a newspaper of the village for 2 weeks or by posting
7 copies of such notice for ~~the same length of time~~ 2 WEEKS, in 3
8 public places in the village, of the intention to construct the
9 ~~sewer or drain~~ IMPROVEMENT, and where the map and estimates
10 ~~aforsaid~~ can be found, and appointing a time when the council
11 will meet to hear any suggestions and objections from persons
12 interested or liable to be assessed for the work.

13 (2) THE SPECIAL ASSESSMENTS SHALL BE MADE IN THE MANNER PRO-
14 VIDED BY LAW.

15 Sec. 31. The council may charge and collect annually from
16 persons whose premises are connected by private drains with the
17 public sewers, ~~such~~ A reasonable sum ~~, not exceeding 2 dollars~~
18 ~~per year, as they may deem just,~~ in proportion to the amount of
19 drainage through ~~such~~ THE private drain. ~~and such~~ THE
20 charge shall be a lien upon the premises, and may be collected by
21 special assessment. ~~thereon.~~

22 Sec. 33. The expenses of repairing public SANITARY sewers,
23 DRAINS, ditches, STORM WATER SYSTEMS, WATER SUPPLY SYSTEMS, and
24 ~~water courses~~ WATERCOURSES may be paid by general tax. The
25 expenses of reconstructing ~~public sewers~~ THESE IMPROVEMENTS may
26 be defrayed in the manner ~~herein~~ prescribed IN THIS CHAPTER for

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1 paying the expenses of ~~the construction thereof~~ CONSTRUCTING
2 SUCH IMPROVEMENTS.

3 Sec. 34. The council may enact ~~such~~ ordinances ~~as may~~
4 ~~be~~ necessary for the protection and control of the public
5 SANITARY SEWERS, drains, ~~and sewers~~ DITCHES, STORM WATER SYS-
6 TEMS, WATER SUPPLY SYSTEMS, AND WATERCOURSES, and to carry into
7 effect the powers ~~herein~~ conferred IN THIS CHAPTER in respect
8 to the drainage of the village.

9 Sec. 38. The council ~~shall have authority to provide~~ MAY
10 DO ALL OF THE FOLLOWING:

11 (A) PROVIDE by ordinance for the preservation of the purity
12 of the waters of any harbor, river, or other waters within the
13 village. ~~, to control~~

14 (B) CONTROL and regulate the anchorage, moorage, and manage-
15 ment of all boats, ~~water-craft~~ WATERCRAFT, and floats within
16 the jurisdiction of the village. ~~; and to regulate~~

17 (C) REGULATE and prescribe by ~~such ordinances~~ ORDINANCE,
18 or through a harbor master or other officer, ~~such~~ THE location
19 of any boat, craft, vessel, or float, and ~~such~~ THE changes of
20 station in, and use of the harbor as may be required to promote
21 order ~~therein,~~ and the safety and convenience of all ~~such~~
22 boats, craft, vessels, and floats. ~~, and to regulate~~

23 (D) REGULATE the opening and passage of bridges. ~~; and gen-~~
24 ~~erally to enact~~

25 (E) ADOPT and enforce ~~such~~ ordinances and regulations not
26 inconsistent with the laws of the United States, or this state,
27 as in the opinion of the council shall be most conducive to the

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1 orderly, safe, and convenient use and occupancy of the harbor,
2 navigable waters, wharves, docks, piers, and landing places
3 within the village.

4 Sec. 39. The PRESIDENT MAY NOMINATE AND THE council may
5 ~~also~~ appoint a harbor master. ~~whose duty it shall be to~~ THE
6 HARBOR MASTER SHALL enforce all such ordinances and regulations
7 as the council may lawfully enact and prescribe in respect to ~~—~~,
8 and over the navigable waters, harbors, wharves, docks, landings,
9 and basins within the village, and in respect to the navigation,
10 trade, and commerce of the village. ~~—, and~~ THE COUNCIL MAY pre-
11 scribe the powers and duties of ~~such~~ THE harbor master and fix
12 his OR HER compensation.

13 Sec. 41. The council of any village ~~shall have the power~~
14 ~~to~~ MAY establish and regulate markets and marketplaces, for the
15 sale of meats, fish, vegetables, and other ~~provisions and arti-~~
16 ~~cles necessary for the sustenance and convenience of the inhab-~~
17 ~~itants; to prescribe the times for opening and closing the same;~~
18 ~~the kind and description of articles which may be sold; and the~~
19 ~~stands and places to be occupied by the venders~~ FOOD PRODUCTS
20 AND PRESCRIBE RULES AND REGULATIONS RELATING TO HOURS OF BUSI-
21 NESS, SANITATION, TRAFFIC, AND OTHER MATTERS NORMALLY INCIDENTAL
22 TO THE PROPER MANAGEMENT OF A MARKET CONSISTENT WITH THE MARKET
23 AUTHORITY ACT OF 1956, 1956 PA 185, MCL 123.671 TO 123.680.

24 Sec. 56. The council may, within the limitations in this
25 act contained, raise and appropriate such sums as may be neces-
26 sary for the purchase of cemetery grounds, and for the

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1 improvement, adornment, protection, and care ~~thereof~~ OF THE
2 CEMETERY GROUNDS.

3 Sec. 57. (1) Whenever any village ~~shall own, purchase~~
4 OWNS, PURCHASES, or otherwise ~~acquire~~ ACQUIRES any cemetery or
5 cemetery grounds, ~~there shall be appointed by the council, 3~~
6 ~~trustees who shall be freeholders and electors of the village,~~
7 ~~and who shall constitute a "~~ THE COUNCIL MAY APPOINT A board of
8 cemetery trustees. ~~"~~ The ~~3 trustees so appointed~~ COUNCIL MAY
9 PROVIDE THAT THE POWERS CONFERRED UPON A BOARD OF CEMETERY TRUST-
10 EES BY THIS ACT SHALL BE EXERCISED BY THE DEPARTMENT OF PUBLIC
11 WORKS DIRECTOR, OR THE VILLAGE MANAGER, IF ANY.

12 (2) A BOARD OF CEMETERY TRUSTEES SHALL CONSIST OF 3
13 INDIVIDUALS. THE TRUSTEES shall hold their office for the term
14 of 3 years, except that at the first appointment, 1 shall be
15 appointed for 1 year, 1 for 2 years, and 1 for the term of 3
16 years from the second Monday in April of the year when appointed.
17 ~~, and annually thereafter 1~~ ONE trustee shall be appointed
18 ANNUALLY THEREAFTER. The council may remove any trustee so
19 appointed for inattention to his OR HER duties, want of proper
20 judgment or skill in or for the proper discharge of ~~the duties~~
21 ~~required of him~~ HIS OR HER DUTIES, or other good cause. ~~Said~~
22 THE board shall serve without compensation.

23 Sec. 58. The board of cemetery trustees shall appoint 1 of
24 their number ~~chairman~~ CHAIRPERSON and the village clerk shall
25 be clerk of the board, and the council may by ordinance invest
26 the board with such powers and authority as may be necessary for
27 the care, management, and preservation of ~~such~~ THE cemetery,

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1 ~~and~~ INCLUDING THE CEMETERY grounds, ~~the~~ tombs, ~~and~~
2 monuments, ~~therein~~ and ~~the~~ appurtenances. ~~thereof and, in~~
3 ~~addition to the duties herein mentioned the~~ THE board shall per-
4 form such other duties as the council may prescribe.

5 Sec. 61. (1) ~~All moneys~~ MONEY raised for any public ceme-
6 tery authorized by this act, and ~~all moneys~~ MONEY received from
7 the sale of lots ~~therein, or otherwise therefrom~~ OR FROM OTHER
8 CEMETERY OPERATIONS, shall be paid into the village treasury and
9 constitute ~~a fund to be denominated~~ the "cemetery fund ~~—~~".
10 ~~Said~~ THE CEMETERY fund shall ~~not be devoted or applied to any~~
11 ~~other purpose except the purposes of such cemetery~~ BE USED
12 EXCLUSIVELY FOR CEMETERY PURPOSES. The board of trustees shall
13 report to the council annually, on the first Monday in March, and
14 ~~oftener~~ MORE OFTEN when the council ~~shall so require, the~~
15 ~~amount of all moneys~~ REQUIRES, ALL OF THE FOLLOWING:

16 (A) FOR MONEY received into and owing to the cemetery fund,
17 ~~and from what~~ THE AMOUNT, source, and ~~from whom, and~~ THE
18 PAYOR OR DEBTOR.

19 (B) FOR EXPENDITURES AND LIABILITIES INCURRED, the date,
20 amount, items, and purpose, ~~of all expenditures and liabilities~~
21 ~~incurred,~~ and to whom paid, and to whom incurred. ~~, and such~~

22 (C) SUCH other matters as the council shall require to be
23 reported. ~~, which~~

24 (2) THE report UNDER SUBSECTION (1) shall be verified by the
25 oath of the clerk of the board.

26 Sec. 63. The board of cemetery trustees ~~created under this~~
27 ~~act shall have power to~~ MAY receive in trust ~~moneys or~~ MONEY

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1 OR OTHER property ~~by way of~~ AS gifts, grants, devises, or
2 bequests for cemetery purposes. ~~All moneys and property which~~
3 ~~may be so received by said board of cemetery trustees by way of~~
4 ~~gifts, grants, devises or bequests for cemetery purposes,~~ THE
5 MONEY OR OTHER PROPERTY shall be held in trust by ~~said~~ THE
6 board, subject to the terms and conditions on which ~~the same may~~
7 ~~be~~ IT WAS given, granted, devised, or bequeathed, and ~~the same~~
8 shall constitute a trust fund. ~~, and if in~~ THE money ~~,~~ shall,
9 unless otherwise expressed by those making such gifts, grants,
10 devises, or bequests, be invested as permanent fund in undoubted
11 real estate security, U.S. bonds, state bonds, or municipal
12 bonds, AND the interest thereon after fulfillment of such condi-
13 tions expressed ~~, to~~ SHALL be used in improving the cemetery
14 under the control of ~~said~~ THE CEMETERY board. ~~, and no part of~~
15 ~~such~~ THE gifts, grants, devises, or bequests shall be used ~~or~~
16 ~~appropriated for other than~~ EXCLUSIVELY FOR cemetery purposes.

17 Sec. 64. (1) The board of cemetery trustees may make all
18 requisite and necessary rules and bylaws to carry into effect the
19 powers vested and duties required by section 63. The bylaws
20 shall be recorded in a book ~~to be~~ kept for that purpose. The
21 board of cemetery trustees shall also appoint a treasurer from
22 the membership of the board, whose duties shall be, under the
23 direction of the board, to receive, account for, and invest all
24 money received by the board under section 63. The treasurer
25 shall give and execute a bond to the board of cemetery trustees
26 in a sum fixed by the council.

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1 (2) The business which the board of cemetery trustees may
2 perform shall be conducted at a public meeting of the board held
3 in compliance with ~~Act No. 267 of the Public Acts of 1976, being~~
4 ~~sections 15.261 to 15.275 of the Michigan Compiled Laws~~ THE OPEN
5 MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275. Public notice
6 of the time, date, and place of the meeting shall be given in the
7 manner required by ~~Act No. 267 of the Public Acts of 1976~~ THE
8 OPEN MEETINGS ACT, 1976 PA 267, MCL 15.261 TO 15.275.

9 (3) A writing prepared, owned, used, in the possession of,
10 or retained by the board in the performance of an official func-
11 tion shall be made available to the public in compliance with
12 ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to~~
13 ~~15.246 of the Michigan Compiled Laws~~ THE FREEDOM OF INFORMATION
14 ACT, 1976 PA 442, MCL 15.231 TO 15.246.

15 Enacting section 1. The following sections of the general
16 law village act, 1895 PA 3, are repealed:

17 18 19 <u>Section Numbers</u>	Chapter 20 21 22 23 24 25 <u>Number</u>	Michigan Compiled Laws 26 27 28 <u>Section Number</u>
20 2 to 11 and 15	I	61.2 to 61.11 and 61.15
21 13	III	63.13
22 13 to 20	IV	64.13 to 64.20
23 5	VI	66.5
24 28, 32, and 44 to 46a	VII	67.28, 67.32, and 67.44 to 25 67.46a

26 Enacting section 2. This amendatory act does not take
27 effect unless House Bill No. 5437 of the 89th Legislature is
28 enacted into law.