

HOUSE BILL No. 4859

June 18, 2003, Introduced by Reps. Gaffney and Van Regenmorter and referred to the Committee on Criminal Justice.

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 1999 PA 258 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
4 shall be the executive head, a clerk, and a legislative body. An
5 election may be by a partisan, nonpartisan, or preferential
6 ballot or by any other legal method of voting.

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

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

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

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

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

7 (g) One or more election districts; the time, place, and
8 means of holding elections; and the registration of electors.

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

11 (i) The publication of an ordinance or a synopsis of an
12 ordinance before the ordinance becomes operative. Any charter
13 provision to the contrary notwithstanding, a village may adopt an
14 ordinance punishable by imprisonment for not more than 93 days or
15 a fine ~~of not more than \$500.00~~ **consistent with state law**, or
16 both, if the violation substantially corresponds to a violation
17 of state law that is a misdemeanor for which the maximum period
18 of imprisonment is 93 days. Whether or not provided in its
19 charter, a village may adopt a provision of any state statute for
20 which the maximum period of imprisonment is 93 days, the Michigan
21 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a plumbing
22 code, electrical code, or building code that has been promulgated
23 by this state, by a department, board, or other agency of this
24 state, or by an organization or association that is organized and
25 conducted for the purpose of developing that code, by making
26 reference to that law or code in an adopting ordinance without
27 publishing that law or code in full. The law or code shall be

1 clearly identified in the ordinance, and a statement of the
2 purpose of the law or code shall be published with the adopting
3 ordinance. Printed copies of the law or code shall be kept in
4 the office of the village clerk and made available to the public
5 at all times. The publication shall contain a notice stating
6 that a complete copy of the law or code is available to the
7 public at the office of the village clerk. A village shall not
8 enforce any provision adopted by reference for which the maximum
9 period of imprisonment is greater than 93 days.

10 (j) That the business of the legislative body shall be
11 conducted at a public meeting of the body held in compliance with
12 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and all
13 records of the municipality shall be available to the public
14 under the freedom of information act, 1976 PA 442, MCL 15.231 to
15 15.246.

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

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

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

22 (a) The regulation of a trade, occupation, or amusement
23 within the village's boundaries, including the sale of
24 intoxicating liquor and the number of licenses to be issued for
25 the sale of intoxicating liquor. A charter shall not permit the
26 sale of liquor in a county in which the sale is prohibited by
27 operation of the general local option law of this state, but may

1 suppress saloons for the sale of intoxicating liquor.

2 (b) The punishment of a person who violates an ordinance of
3 the village other than an ordinance described in section 25a.

4 The penalty for a violation of such an ordinance shall not exceed
5 a fine of \$500.00 or imprisonment for 90 days, or both. However,
6 unless otherwise provided by law, the ordinance may provide that
7 a violation of the ordinance is punishable by imprisonment for
8 not more than 93 days or a fine ~~of not more than \$500.00~~

9 **consistent with state law**, or both, if the violation
10 substantially corresponds to a violation of state law that is a
11 misdemeanor for which the maximum period of imprisonment is 93
12 days.

13 (c) The establishment of a department considered necessary
14 for the general welfare of the village and for the separate
15 incorporation of the village. This subdivision does not apply to
16 a public school.

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

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

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

26 (g) The sale and delivery of water outside the corporate
27 limits of the village in an amount determined by the legislative

1 body of the village.

2 (h) The purchase of land outside the corporate limits of the
3 village if necessary for the disposal of sewage and garbage or
4 for a purpose authorized by the state constitution of 1963 or the
5 law of this state.

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

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

12 (k) The use, control, and regulation of a stream, water, or
13 watercourse within the village's boundaries, but not so as to
14 conflict with a law, or action under a law, by which a navigable
15 stream is bridged or dammed.

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

18 (m) The exercise of each municipal power in the management
19 and control of village property and the administration of the
20 village government, whether the power is expressly enumerated in
21 this act or not; an act to advance the interest of the village,
22 and the good government and prosperity of the village and its
23 inhabitants; and the making of ordinances that are necessary and
24 proper for carrying into execution the powers conferred by this
25 act, and other powers vested by the state constitution of 1963 in
26 villages, except if forbidden by or if the subject is covered
27 exclusively by the law of this state.

1 (n) The sale and delivery of heat, power, and light outside
2 the village's corporate limits in an amount determined by the
3 legislative body of the village, except that a sale at other than
4 wholesale shall be limited to the area of a city, village, or
5 township that is contiguous to the village as of June 23, 1974,
6 and to the area of any other city, village, or township being
7 served as of June 23, 1974. However, a village shall not sell
8 heat, power, or light to a customer outside the village's
9 corporate limits already receiving the service from another
10 utility unless the serving utility consents in writing. For
11 purposes of this subdivision, "wholesale" means the sale or
12 exchange of heat, power, or light between public utility systems,
13 whether municipally, cooperatively, or privately owned.