

# HOUSE BILL No. 5438

December 10, 1997, Introduced by Reps. Mans, Birkholz, Brackenridge and Dobronski and referred to the Committee on Local Government.

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 1, 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, 67.1, 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, 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, section 4 of chapter VI as amended by 1982 PA 346, and section 1 of chapter VII as amended by 1994 PA 314, and by adding sections 3 and 4 to chapter III; 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.

05064'97

## CHAPTER I--INCORPORATION.

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

Sec. 1a. As used in this act: —

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

(B) "COUNCIL" MEANS THE VILLAGE COUNCIL ESTABLISHED UNDER SECTION 1 OF CHAPTER II.

(C) "ELECTOR" MEANS A CITIZEN OF THE UNITED STATES WHO HAS ATTAINED THE AGE OF 18 YEARS, WHO HAS RESIDED IN THIS STATE 6 MONTHS, AND WHO MEETS THE REQUIREMENTS OF LOCAL RESIDENCE PROVIDED BY LAW.

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

Sec. 12. ~~All villages hereafter incorporated shall be bodies~~ A VILLAGE INCORPORATED UNDER THIS ACT IS A BODY politic and corporate under ~~and by the corporate name assumed by or designated for them as hereinbefore provided, and by such name~~ THE NAME DESIGNATED FOR IT UPON INCORPORATION. BY THAT NAME, THE VILLAGE may sue and be sued, contract and be contracted with,

1 acquire and hold real and personal property for the purposes for  
2 which ~~they were~~ IT WAS incorporated, have a common seal, ~~and~~  
3 change the ~~same~~ COMMON SEAL at pleasure, and exercise all the  
4 powers ~~in~~ UNDER this act. ~~conferred.~~

5 CHAPTER II--OFFICERS.

6 Sec. 1. (1) In each village, the following officers shall  
7 be elected: ~~, viz.,~~ a president, 6 trustees, 1 clerk, AND 1  
8 treasurer. ~~, who shall be ex officio collector, and 1 assessor.~~  
9 The president and trustees ~~shall~~ constitute the village  
10 council.

11 (2) THE COUNCIL BY A VOTE OF 2/3 OF THE MEMBERS MAY PROVIDE  
12 BY ORDINANCE FOR THE REDUCTION IN THE NUMBER OF TRUSTEES TO 4 WHO  
13 WITH THE PRESIDENT SHALL CONSTITUTE THE COUNCIL. IF VILLAGE  
14 TRUSTEES ARE ELECTED BIENNIALY FOR STAGGERED 4-YEAR TERMS OR  
15 ANNUALLY FOR STAGGERED 2-YEAR TERMS, THE ORDINANCE SHALL AS  
16 NEARLY AS POSSIBLE MAINTAIN STAGGERED TERMS. THE ORDINANCE MAY  
17 EXTEND BUT SHALL NOT SHORTEN THE TERM OF AN INCUMBENT TRUSTEE.  
18 THE ORDINANCE MAY EXTEND A PROSPECTIVE TERM. THE ORDINANCE SHALL  
19 NOT SHORTEN OR ELIMINATE A PROSPECTIVE TERM UNLESS THE NOMINATION  
20 DEADLINE FOR THAT TERM IS NOT LESS THAN 30 DAYS AFTER THE EFFEC-  
21 TIVE DATE OF THE ORDINANCE.

22 (3) THE COUNCIL BY A VOTE OF 2/3 OF THE MEMBERS MAY PROVIDE  
23 BY ORDINANCE FOR THE NOMINATION BY THE PRESIDENT AND THE APPOINT-  
24 MENT BY THE COUNCIL OF THE CLERK OR THE TREASURER OR BOTH FOR  
25 SUCH A TERM AS THE ORDINANCE MAY PROVIDE. THE ORDINANCE SHALL  
26 APPLY BEGINNING WITH THE FIRST TERM THE NOMINATION DEADLINE FOR  
27 WHICH WOULD HAVE BEEN NOT LESS THAN 30 DAYS AFTER THE EFFECTIVE

1 DATE OF THE ORDINANCE OR SHALL APPLY WHEN THE OFFICE IS VACATED,  
2 WHICHEVER OCCURS FIRST.

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

21 (5) A VILLAGE THAT HAS ADOPTED AN ORDINANCE REDUCING THE  
22 NUMBER OF TRUSTEES TO 4 OR PROVIDING FOR THE APPOINTMENT BY THE  
23 COUNCIL OF THE CLERK OR TREASURER MAY INCREASE THE NUMBER OF  
24 TRUSTEES TO 6 OR PROVIDE FOR THE ELECTION OF THE CLERK OR TREA-  
25 SURER BY THE SAME PROCESS AS PROVIDED IN SUBSECTION (2) OR (3),  
26 RESPECTIVELY, AND IN SUBSECTION (4).

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

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

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

25       Sec. 5. (1) Except as otherwise provided in this section, 3  
26 village trustees SHALL BE elected at ~~the 1974 and subsequent~~  
27 EACH biennial village ~~elections shall hold their offices~~

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

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

21 (3) A village ~~which originally exempts itself pursuant to~~  
22 THAT EXEMPTED ITSELF AS DESCRIBED IN subsection (2) may subse-  
23 quently provide BY ORDINANCE that the village shall elect trust-  
24 ees biennially. ~~by the adoption of an ordinance.~~ The ordinance  
25 shall be applicable to the even year village election to be held  
26 not less than 6 months next following the adoption of the  
27 ordinance. The ordinance ~~may provide that 3 trustees shall be~~

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

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

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



1 OFFICE SHALL HOLD OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED  
2 AND QUALIFIED.

3       Sec. 7. (1) ~~No~~ A person shall NOT be elected or appointed  
4 to ~~any~~ AN office unless he ~~shall be~~ OR SHE IS an elector of  
5 the village. ~~And no person shall be elected or appointed to any~~  
6 ~~office in the village who has been or is a defaulter to the vil-~~  
7 ~~lage or to any board of officers thereof, or to any school dis-~~  
8 ~~trict, county, or other municipal corporation of the state. All~~  
9 ~~votes for or any appointment of any such defaulter shall be~~  
10 ~~void. All officers~~ THE COUNCIL BY RESOLUTION MAY WAIVE RESI-  
11 DENCY OF AN APPOINTIVE OFFICER.

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

18       (A) A PENALTY OR INTEREST IS DUE ON THE TAXES OR DEBT.

19       (B) A LIEN FOR THE TAXES OR DEBT HAS BEEN IMPOSED BY THE  
20 VILLAGE ON THE PROPERTY OF THE TAXPAYER AND THE LIEN IS NOT IN  
21 THE APPEALS PROCESS.

22       (3) NOT MORE THAN 30 DAYS AFTER RECEIVING NOTICE OF HIS OR  
23 HER ELECTION OR APPOINTMENT, AN OFFICER of the village ~~, elected~~  
24 ~~or appointed,~~ shall take and subscribe the oath of office pre-  
25 scribed by the constitution of the state BY THE NEXT REGULAR  
26 MEETING OF THE COUNCIL AFTER CERTIFICATION OF THE ELECTION, and  
27 file the ~~same~~ OATH with the clerk. ~~, and in case of failure to~~

~~1 do so, within 10 days after receiving notice of their election or~~  
~~2 appointment, shall be deemed~~ AN OFFICER WHO FAILS TO COMPLY WITH  
3 THE REQUIREMENTS OF THIS SUBSECTION SHALL BE CONSIDERED to have  
4 declined the office.

5       Sec. 11. If any officer shall cease to be a resident of the  
6 village during his OR HER term of office, the office shall be  
7 thereby vacated UNLESS THE COUNCIL WAIVES RESIDENCY OF AN  
8 APPOINTED OFFICER PURSUANT TO SECTION 7 OF THIS CHAPTER. If any  
9 officer ~~shall be a defaulter~~ IS ALLEGED TO BE IN DEFAULT AS  
10 DEFINED IN SECTION 7 OF THIS CHAPTER, the office shall ~~thereby~~  
11 be DECLARED vacated BY THE COUNCIL UPON A HEARING AND FINDING BY  
12 THE COUNCIL THAT THE OFFICER IS IN DEFAULT.

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,

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

1 the offices for which the election was held. All of the expenses  
2 of the election shall be 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~~

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 MAY PROVIDE BY ORDINANCE THAT VILLAGE ELECTIONS SHALL BE  
8 NONPARTISAN. THE ORDINANCE SHALL APPLY BEGINNING WITH THE FIRST  
9 VILLAGE ELECTION FOR WHICH THE NOMINATION DEADLINE IS NOT LESS  
10 THAN 30 DAYS AFTER THE EFFECTIVE DATE OF THE ORDINANCE.

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

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

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 to suppress disorder. ~~—; and shall have~~  
 8 ~~authority to~~ THE PRESIDENT MAY command the assistance of all  
 9 able-bodied citizens to aid in the enforcement of the ordinances  
 10 of the council ~~—,~~ and to suppress riot and disorderly conduct.

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

23       Sec. 5. (1) The clerk shall keep the corporate seal and all  
 24 the documents, official bonds, papers, files, and records of the  
 25 village, not by this act or the ordinances of the village  
 26 entrusted to some other officer. ~~—; he shall be~~ THE CLERK IS THE  
 27 clerk of the council ~~—,~~ and shall attend its meetings.

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

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

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

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

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

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



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

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

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

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

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

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

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

11 Sec. 9. The treasurer shall ~~have~~ DO ALL OF THE  
12 FOLLOWING:

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

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

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

24 (D) COLLECT and keep an account of ~~and be charged with~~ all  
25 taxes and ~~moneys~~ MONEY appropriated, raised, or received for  
26 each fund of the ~~corporation~~ VILLAGE, and ~~shall~~ keep a  
27 separate account of each fund. ~~, and shall credit thereto all~~

~~1 moneys raised, paid in, or appropriated therefor, and shall pay~~  
~~2 every warrant~~

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

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

8 Sec. 10. The treasurer shall ~~render~~ REPORT to the clerk  
9 on the first Monday of every month, if required, ~~a report of~~  
10 the amounts received and credited ~~by him~~ to each fund, ~~and~~ on  
11 what account received, ~~and~~ the amounts paid out ~~by him~~ from  
12 each fund during the preceding month, and the amount of money  
13 remaining in each fund on the day of ~~his~~ THE report. ~~He~~ THE  
14 TREASURER shall also exhibit to the council annually ~~on the~~  
15 ~~first Monday in March~~ WITHIN 45 DAYS AFTER THE END OF THE FISCAL  
16 YEAR, and as often and for such period as the council shall  
17 require, a full and detailed account of the receipts and dis-  
18 bursements of the treasury since the date of ~~his~~ THE  
19 TREASURER'S last annual report, classifying them ~~therein~~ by the  
20 funds to which ~~such~~ THE receipts are credited and out of which  
21 ~~such~~ THE disbursements are made, and the balance remaining in  
22 each fund. ~~; which account shall be filed in the office of the~~  
23 ~~clerk, and shall be published in 1 of the newspapers of the vil-~~  
24 ~~lage, if any be published therein.~~

25 Sec. 11. ~~Said~~ THE treasurer shall take vouchers for all  
26 money paid from the treasury, showing the amount and fund from  
27 which payment was made. ~~, which vouchers upon settlement~~ UPON

1 SETTLEMENT OF THE VOUCHERS with the proper officers of the  
2 village, ~~shall be surrendered and filed~~ THE TREASURER SHALL  
3 FILE THE VOUCHERS with the clerk.

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

16       Sec. 21. The president and each trustee shall receive com-  
17 pensation for the performance of the duties of the office of  
18 president or trustee only as provided by ordinance. The ordi-  
19 nance shall specify ~~the manner and method that~~ HOW the compen-  
20 sation is ~~due and payable.~~ Said DETERMINED DUE AND PAID.  
21 EXCEPT AS OTHERWISE PROVIDED BY LAW, THESE officers shall receive  
22 no other compensation for services performed for and on behalf of  
23 ~~said~~ THE village during their term of office. Except as other-  
24 wise provided in this act or by other law regulating fees for  
25 services, other officers shall receive such compensation as may  
26 be prescribed by the council.

## CHAPTER V--VILLAGE COUNCIL.

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

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

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

Sec. 5. (1) The council shall prescribe the rules of its own proceedings, and shall keep a record of those proceedings. A majority of the members ELECTED AND SERVING shall be a quorum for the transaction of business. A lesser number may adjourn and compel the attendance of absent members in a manner as prescribed by ordinance. FOUR CONSECUTIVE UNEXCUSED ABSENCES BY A MEMBER SHALL CONSTITUTE A VIOLATION OF THE OATH OF OFFICE.

(2) An office shall not be created or abolished; a tax or assessment imposed; a street, alley, or public ground vacated; real estate or an interest in real estate purchased, leased, sold, or disposed of; or a public improvement ordered, except by

1 a ~~concurring~~ MAJORITY vote of ~~2/3 of~~ the members ELECTED AND  
2 SERVING. ~~The vote shall be taken by yeas and nays, and entered~~  
3 ~~in the journal.~~

4 (3) Money shall not be appropriated except by ordinance or  
5 resolution of the council. An ordinance appropriating money  
6 shall not be passed, or a resolution appropriating money shall  
7 not be adopted, except by a ~~concurring~~ MAJORITY vote of ~~2/3~~  
8 ~~of~~ the members ELECTED AND SERVING. THE VOTE SHALL BE TAKEN BY  
9 YEAS AND NAYS, AND ENTERED IN THE JOURNAL. Within 15 days after  
10 a meeting of the council, ~~the proceedings had or taken at the~~  
11 ~~meeting, together with the vote of the members, shall be pub-~~  
12 ~~lished in a newspaper circulated in the village, if there is a~~  
13 ~~newspaper circulated in the village~~ A SYNOPSIS OF THE PROCEED-  
14 INGS PREPARED BY THE CLERK AND APPROVED BY THE PRESIDENT SHOWING  
15 THE SUBSTANCE OF EACH SEPARATE DECISION OF THE COUNCIL SHALL BE  
16 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE OR  
17 POSTED IN 3 OF THE MOST PUBLIC PLACES IN THE VILLAGE.

18 (4) ~~(2)~~ A writing prepared, owned, used, in the possession  
19 of, or retained by ~~a village~~ THE council or BY the ~~village~~  
20 clerk, treasurer, ~~marshal, or street commissioner~~ OR OTHER  
21 OFFICER OF THE VILLAGE in the performance of an official function  
22 shall be made available to the public in compliance with the  
23 freedom of information act, ~~Act No. 442 of the Public Acts of~~  
24 ~~1976, being sections 15.231 to 15.246 of the Michigan Compiled~~  
25 ~~Laws~~ 1976 PA 442, MCL 15.231 TO 15.246.

26 Sec. 7. (1) The council shall audit and allow all accounts  
27 chargeable against the village. ~~but no~~ AN account or claim or

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

16 (2) It shall be a sufficient defense in any court, to ~~any~~  
17 AN action or proceeding for the collection of any ~~demand or~~  
18 claim against the village for personal injuries or otherwise that  
19 it has never been presented, certified to, or verified ~~as~~  
20 ~~aforesaid~~, to the council for allowance AS PROVIDED IN THIS SEC-  
21 TION OR AS MAY BE REQUIRED UNDER DIFFERENT PROCEDURES ADOPTED BY  
22 THE COUNCIL; or, if ~~such~~ THE claim is founded on contract, that  
23 the ~~same~~ CLAIM was presented without the certificate or affida-  
24 vit ~~aforesaid and~~ REQUIRED BY THIS SECTION AND WAS rejected for  
25 that reason; or, that the action or proceeding was brought before  
26 the council had a reasonable time to investigate and pass upon  
27 it.

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

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

3       (3) THE COUNCIL MAY ENTER INTO AN EMPLOYMENT CONTRACT WITH A

4 VILLAGE MANAGER EXTENDING BEYOND THE TERMS OF THE MEMBERS OF THE

5 COUNCIL. AN EMPLOYMENT CONTRACT WITH A MANAGER SHALL BE IN WRIT-

6 ING AND SHALL SPECIFY THE COMPENSATION TO BE PAID TO THE MANAGER,

7 ANY PROCEDURE FOR CHANGING COMPENSATION, ANY FRINGE BENEFITS, AND

8 ANY OTHER CONDITIONS OF EMPLOYMENT. THE CONTRACT SHALL STATE

9 THAT THE MANAGER SERVES AT THE PLEASURE OF THE COUNCIL. THE CON-

10 TRACT MAY PROVIDE FOR SEVERANCE PAY OR OTHER BENEFITS IN THE

11 EVENT THE EMPLOYMENT OF THE MANAGER IS TERMINATED AT THE PLEASURE

12 OF THE COUNCIL. Unless otherwise provided by ordinance adopted

13 under subsection ~~-(2)-~~ (4), the council may assign to the manager

14 only those powers and duties not required by law to be assigned

15 to or performed by another official of the village.

16       (4) ~~-(2)-~~ The council may adopt an ordinance assigning to

17 the manager an administrative duty imposed by this act on the

18 council; an administrative duty imposed by this act on the vil-

19 lage president; the authority to appoint, remove, direct, or

20 supervise any employee or appointed official of the village; or

21 supervisory responsibility over the accounting, budgeting, per-

22 sonnel, purchasing, and related management functions imposed by

23 this act on the village clerk and the village treasurer. The

24 ~~assignment of responsibilities to the manager becomes effective~~

25 ~~upon adoption of the ordinance, except that the~~ council shall

26 provide in the ordinance that the assignment becomes effective

27 45 days after the date of adoption and that if a petition signed



1 by not less than 10% of the registered electors of the village is  
 2 filed with the village clerk within the 45-day period, the ordi-  
 3 nance shall not become effective until after the ordinance is  
 4 approved at an election held on the question. Notice of the  
 5 delayed effect of the ordinance and the right of petition under  
 6 this subsection shall be published separately at the same time,  
 7 and in the same manner, as the ordinance is published pursuant to  
 8 section 4 of chapter VI. ~~The village clerk shall compare the~~  
 9 ~~signatures on the petitions to the signatures of those electors~~  
 10 ~~as they appear on the registration cards of the village.~~ If a  
 11 petition bearing the required number of valid signatures of elec-  
 12 tors is filed, the clerk shall perform the acts required for the  
 13 submission of the question of adoption of the ordinance at the  
 14 next general or special election. An ordinance adopted before  
 15 ~~the effective date of this subsection~~ DECEMBER 2, 1985 that  
 16 conforms substantially with the requirements of this subsection  
 17 is valid to the same extent as if the ordinance had been adopted  
 18 ~~after the effective date of this subsection~~ ON OR AFTER  
 19 DECEMBER 2, 1985.

20 CHAPTER VI--ORDINANCES.

21 Sec. 1. The style of an ordinance shall be: "The village  
 22 of ..... ordains." An ordinance, except as  
 23 otherwise provided in this act, requires for its passage the con-  
 24 currence of a majority of the MEMBERS SERVING ON THE council. An  
 25 ordinance SHALL STATE ITS EFFECTIVE DATE, WHICH MAY BE UPON PUB-  
 26 LICATION, EXCEPT THAT AN ORDINANCE imposing a sanction shall not  
 27 take effect ~~in less than 20 days~~ BEFORE THE TWENTIETH DAY after

1 its passage OR BEFORE THE DATE OF ITS PUBLICATION, WHICHEVER  
2 OCCURS FIRST.

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

10       Sec. 3a. ~~Each village shall have the power, whether pro-~~  
11 ~~vided in its charter or not, to~~ A VILLAGE MAY codify, recodify,  
12 and continue in code the village's ~~municipal~~ ordinances, in  
13 whole or in part, without the necessity of publishing the entire  
14 code in full. The ordinance adopting the code and ordinances  
15 repealing, amending, continuing, or adding to the code shall be  
16 published as required by ~~law provided that notification states~~  
17 SECTION 4 OF THIS CHAPTER. THE PUBLICATION SHALL STATE where a  
18 copy of the entire code can be reviewed and obtained. The ordi-  
19 nance adopting the code may amend, repeal, revise, or rearrange  
20 ordinances or parts of ordinances by references to the title  
21 only.

22       Sec. 4. Within 15 days after the passage of an ordinance,  
23 the ordinance or a synopsis of the ordinance shall be published  
24 in a newspaper circulated in the village. Immediately after pub-  
25 lication, the clerk shall enter in the record of ordinances, in a  
26 blank space to be left for that purpose under the record of the  
27 ordinance, a certificate under the clerk's hand, stating the time

1 and places of the publication. The certificate shall be prima  
2 facie evidence of the due publication of the ordinance or the  
3 synopsis. A village may adopt a plumbing code, electrical code,  
4 ~~or~~ MECHANICAL CODE, FIRE PROTECTION CODE, building code, ~~which~~  
5 ~~has been~~ OR OTHER CODE promulgated by this state, by a depart-  
6 ment, board, or other agency of this state, or by an organization  
7 or association which is organized or conducted for the purpose of  
8 developing a code by reference to the code in an adopting ordi-  
9 nance and without publishing the code in full. The code shall be  
10 clearly identified in the ordinance and a statement of the pur-  
11 pose of the code shall be published with the adopting ordinance.  
12 Printed copies of the code shall be kept in the office of the  
13 village clerk available for inspection by ~~and~~ OR distribution  
14 TO THE PUBLIC DURING NORMAL BUSINESS HOURS. THE VILLAGE MAY  
15 CHARGE A REASONABLE FEE FOR COPIES OF THE CODE DISTRIBUTED to the  
16 public. ~~at all times.~~ The publication in the newspaper shall  
17 contain a notice to the effect that a complete copy of the code  
18 is available for public use and inspection at the office of the  
19 village clerk.

20       Sec. 8. Every village shall be allowed the use of the jail  
21 of the county in which it is located, for the confinement of all  
22 persons ~~liable~~ SENTENCED to imprisonment under the ordinances  
23 ~~thereof~~ OF THE VILLAGE, or under any of the provisions of this  
24 act; and the sheriff, or other keeper of ~~such~~ THE jail, or  
25 other place of confinement or imprisonment, shall receive and  
26 safely keep any person committed ~~thereto as aforesaid,~~ until  
27 lawfully discharged. ~~In all cases of imprisonment for breaches~~

~~1 of the penal laws of this state, such receiving and keeping in~~  
~~2 such jail shall be at the expense of the county in which the vil-~~  
~~3 lage is located; in all other cases it shall be at the expense of~~  
~~4 the village.~~ THE EXPENSE OF RECEIVING AND KEEPING A PRISONER  
5 SHALL BE BORNE BY THE COUNTY IF THE IMPRISONMENT IS FOR A VIOLA-  
6 TION OF A PENAL LAW OF THIS STATE AND BY THE VILLAGE IF THE  
7 IMPRISONMENT IS FOR A VIOLATION OF A VILLAGE ORDINANCE.

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

13       (2) It is a sufficient statement of the cause of action in a  
14 complaint or warrant to set forth substantially, and with reason-  
15 able certainty, as to time and place, the act complained of, and  
16 to allege the act to be in violation of an ordinance of the vil-  
17 lage, referring to the ordinance by its title and the ~~date of~~  
18 ~~its passage, adoption, or approval~~ SECTION NUMBER AND EFFECTIVE  
19 DATE. Either party may require a trial by jury in an action for  
20 violation of the ordinance.

21       (3) The jury, except when other provision is made, shall  
22 consist of 6 persons. In actions commenced by warrant, the jury  
23 shall be selected and summoned as in misdemeanor cases before the  
24 court in which the prosecution for the village ordinance viola-  
25 tion is brought. In a civil action to recover penalties for a  
26 village ordinance violation, the jury shall be selected and  
27 summoned as in any other civil action before the court in which

1 the action is brought. An inhabitant of the village is not  
 2 incompetent to serve as a juror in a cause in which the village  
 3 is a party or interested, on account merely of the interest that  
 4 the inhabitant may have, in common with the inhabitants of the  
 5 village, in the results of the action.

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

8 Sec. 11. The council shall have power to provide and main-  
 9 tain a village ~~prison, and such watch or station houses as may~~  
 10 ~~be necessary~~ LOCKUP OR HOLDING FACILITY, and may provide for the  
 11 confinement ~~therein of all persons liable~~ OF PERSONS SENTENCED  
 12 to imprisonment or detention under the ordinances of the village.  
 13 ~~, and for the employment of those imprisoned therein. All per-~~  
 14 ~~sons sentenced to confinement in such prison, and all persons~~  
 15 ~~imprisoned therein on execution for nonpayment of fines for vio-~~  
 16 ~~lation of the ordinances of the village, may be kept at hard~~  
 17 ~~labor during the term of their imprisonment, either within or~~  
 18 ~~without the prison, under such regulations as the council may~~  
 19 ~~prescribe.~~

20 Sec. 12. In ~~all~~ prosecutions for violations of the ordi-  
 21 nances of the village, commenced by ~~any~~ A person other than an  
 22 officer of the village, the court may require the  
 23 ~~prosecutor~~ COMPLAINING WITNESS to file security for the payment  
 24 of the costs of the proceedings, in case the defendant is  
 25 ~~acquitted~~ DETERMINED NOT TO BE RESPONSIBLE. But ~~he shall not~~  
 26 ~~be liable for the payment of the costs if~~ the JUDGE OR  
 27 magistrate before whom the complaint is made or trial is had —,

1 ~~shall certify in his minutes~~ SHALL ORDER THAT THE COMPLAINING  
2 WITNESS IS NOT LIABLE FOR THE PAYMENT OF COSTS IF THE MAGISTRATE  
3 OR JUDGE DETERMINES that there was probable cause for the making  
4 of ~~such~~ THE complaint.

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

18                   CHAPTER VII--POWERS OF COUNCIL.

19       Sec. 1. ~~A village subject to this act has, in addition to~~  
20 ~~other powers that are conferred, the general power and authority~~  
21 ~~granted in this chapter. The council of a village subject to~~  
22 ~~this act may enact ordinances relating to the powers described in~~  
23 ~~this section as it considers proper, including, but not limited~~  
24 ~~to, ordinances relating to 1 or more of the following:-~~

25       (1) UNLESS OTHERWISE PROVIDED OR LIMITED IN THIS CHARTER,  
26 THE VILLAGE SHALL BE VESTED WITH ALL POWERS AND IMMUNITIES,  
27 EXPRESSED OR IMPLIED, WHICH VILLAGES ARE, OR HEREAFTER MAY BE,

1 PERMITTED TO EXERCISE UNDER THE CONSTITUTION AND LAWS OF THE  
2 STATE OF MICHIGAN. THE ENUMERATION OF PARTICULAR POWERS OR IMMUN-  
3 NITIES IN THIS ACT IS NOT EXCLUSIVE.

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

5 (A) EXERCISE ALL MUNICIPAL POWERS IN THE MANAGEMENT AND CON-  
6 TROL OF MUNICIPAL PROPERTY AND IN THE ADMINISTRATION OF THE  
7 MUNICIPAL GOVERNMENT WHETHER SUCH POWERS ARE EXPRESSLY ENUMERATED  
8 OR NOT.

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

11 (C) THROUGH ITS REGULARLY CONSTITUTED AUTHORITY, PASS AND  
12 ENFORCE ALL LAWS, ORDINANCES, AND RESOLUTIONS RELATING TO ITS  
13 MUNICIPAL CONCERNS SUBJECT TO THE CONSTITUTION AND LAWS OF THE  
14 STATE.

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

18 (4) THE VILLAGE MAY DO ALL OF THE FOLLOWING, WHICH SPECIFIC  
19 POWERS SHALL NOT BE CONSTRUED AS LIMITING THE GENERAL POWERS SET  
20 FORTH IN SUBSECTIONS (1), (2), AND (3):

21 (a) To restrain and prevent vice and immorality.

22 (b) To punish vagrants, disorderly persons, and  
23 prostitutes.

24 (c) To abate nuisances and preserve the public health.

25 (d) To prohibit and suppress disorderly houses. ~~and gaming~~  
26 ~~houses.~~

1 (e) To regulate, license, or suppress ~~billiard tables and~~  
2 ~~ball alleys, public dance halls, and soft drink emporiums~~ PLACES  
3 OF ENTERTAINMENT OR GAMING.

4 (f) To ~~suppress gaming~~ GRANT FRANCHISES AND TO SET AND  
5 ESTABLISH RATES AND REGULATIONS FOR GOODS OR SERVICES FURNISHED  
6 PURSUANT TO THE GRANT OF THE FRANCHISE.

7 (g) To regulate and license public shows and exhibitions.

8 (h) To REGULATE AND license ~~auctioneers, license and regu-~~  
9 ~~late hawkers and peddlers,~~ BUSINESSES CONDUCTED IN THE VILLAGE,  
10 INCLUDING, BUT NOT LIMITED TO, PUBLIC DANCE HALLS, VIDEO ARCADES,  
11 AUCTIONEERS AND AUCTIONS, HAWKERS AND PEDDLERS, AND TRANSIENT  
12 MERCHANTS AND to regulate or prohibit sales of property at auc-  
13 tion except sales made pursuant to ~~an order of a court or public~~  
14 ~~law, to require transient traders and dealers to obtain a license~~  
15 ~~before engaging in business, and to regulate by ordinance the~~  
16 ~~terms and conditions of issuing those licenses~~ A COURT ORDER OR  
17 PUBLICATION.

18 (i) To license and regulate ~~hacks and other~~ public  
19 vehicles.

20 ~~-(j) To provide for and regulate the inspection of~~  
21 ~~provisions.~~

22 (J) ~~-(k)~~ To regulate or prohibit bathing in the ~~rivers,~~  
23 ~~ponds, streams, and waters~~ BODIES OF WATER of the village.

24 (K) ~~-(l)~~ To regulate or prohibit the selling, storing, or  
25 transportation of combustible or explosive substances or materi-  
26 als within the village, and to regulate and restrain the making  
27 of fires in the streets or other open spaces in the village.



1       (1) ~~(m)~~ To provide for the organization and regulation of  
 2 a fire department, to provide for the prevention and extinguish-  
 3 ment of fires, and to establish and maintain definite fire  
 4 limits.

5       (M) ~~(n)~~ To license and regulate solicitors for passengers  
 6 or baggage for any hotel, tavern, public house, boat, or  
 7 railroad; ~~—, and draymen, carmen, truckmen,~~ TO LICENSE AND  
 8 REGULATE porters, runners, drivers of ~~cabs, hackney coaches,~~  
 9 ~~omnibuses, carriages, sleighs, express vehicles, and other~~ vehi-  
 10 cles used and employed for hire; ~~—~~ and to fix and regulate the  
 11 amount and rate of ~~compensation of those individuals~~ FARES.

12       (N) ~~(o)~~ To require horses, mules, or other animals  
 13 attached to any vehicle or standing in any street, lane, or alley  
 14 in the village to be securely fastened, hitched, watched, or  
 15 held.

16       (O) ~~(p)~~ To ~~prevent and punish horse racing and~~  
 17 ~~immoderate~~ REGULATE driving in ~~any~~ A street, park, or alley  
 18 and to authorize the stopping and detaining of any person who is  
 19 immoderately driving or riding in any street, park, or alley in  
 20 the village.

21       (P) ~~(q)~~ To prevent the running at large of ~~dogs~~ ANIMALS,  
 22 to require ~~dogs~~ ANIMALS to be muzzled, and to authorize the  
 23 destruction of ~~dogs~~ ANIMALS found at large in violation of an  
 24 ordinance of the village.

25       (Q) ~~(r)~~ To establish lines and grades upon which buildings  
 26 may be erected, and beyond which buildings shall not extend.

1       (R) ~~-(s)-~~ To prevent the erection and provide for the  
2 removal of buildings considered unsafe.

3       (S) ~~-(t)-~~ To regulate the placement and provide for the pre-  
4 servation of horse posts or hitching posts.

5       (T) ~~-(u)-~~ To declare and define the powers and duties of the  
6 officers of the village whose powers and duties are not specifi-  
7 cally prescribed in this act.

8       ~~-(v) To require the treasurer or marshal of the village, and~~  
9 ~~other officers of the village as the council considers proper to~~  
10 ~~give bonds for the discharge of their official duties.-~~

11       (U) ~~-(w)-~~ To see that the officers of the village perform  
12 their duties faithfully and that proper measures are taken to  
13 punish neglect of duty by any officer of the village.

14       (V) ~~-(x)-~~ To provide for the care, custody, and preservation  
15 of the public property of the village.

16       (W) ~~-(y)-~~ To investigate any matter that may come under the  
17 jurisdiction of the village and that is pursuant to the authority  
18 vested in the council or in any officer under this act. The  
19 council by majority consent of the council members ELECTED AND  
20 serving may serve upon a person a subpoena that has been autho-  
21 rized by a court of proper jurisdiction in the county in which  
22 the village is located compelling the person to appear before the  
23 council or any committee of the council to be examined under oath  
24 or to produce a document or object for inspection or copying. If  
25 a person objects to or otherwise fails to comply with the written  
26 notice served upon him or her, the council may file in that court  
27 an action to enforce the subpoena. The court may issue an order

1 requiring the person to appear to be examined or to produce a  
 2 document or object for inspection or copying. Failure to obey  
 3 the order of the court is punishable by the court as a contempt.

4 (X) ~~(z)~~ To adopt other ordinances and make other regula-  
 5 tions for the safety, GENERAL WELFARE, and good government of the  
 6 village ~~and the general welfare of its inhabitants~~ that are not  
 7 inconsistent with the general laws of this state.

8 (Y) ~~(aa)~~ To regulate or prohibit public nudity within vil-  
 9 lage boundaries. As used in this subdivision, "public nudity"  
 10 means knowingly or intentionally displaying in a public place, or  
 11 for payment or promise of payment by any person including, but  
 12 not limited to, payment or promise of payment of an admission  
 13 fee, any individual's genitals or anus with less than a fully  
 14 opaque covering, or a female individual's breast with less than a  
 15 fully opaque covering of the nipple and areola. Public nudity  
 16 does not include any of the following:

17 (i) A woman's breastfeeding of a ~~baby~~ CHILD OF BREASTFEED-  
 18 ING AGE whether or not the nipple or areola is exposed during or  
 19 incidental to the feeding.

20 (ii) Material as defined in section 2 of ~~Act No. 343 of the~~  
 21 ~~Public Acts of 1984, being section 752.362 of the Michigan~~  
 22 ~~Compiled Laws~~ 1984 PA 343, MCL 752.362.

23 (iii) Sexually explicit visual material as defined in sec-  
 24 tion 3 of ~~Act No. 33 of the Public Acts of 1978, being section~~  
 25 ~~722.673 of the Michigan Compiled Laws~~ 1978 PA 33, MCL 722.673.

26 Sec. 3. ~~The council may provide and maintain 1 or more~~  
 27 ~~pounds within the village; appoint, prescribe the powers and~~

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

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

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

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

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

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

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

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

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~~

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 THE COUNCIL ELECTED AND SERVING provide by ordi-  
18 nance for the rebuilding, maintaining, and keeping in repair of  
19 all sidewalks within the village, for the removing of all ice and  
20 snow from the sidewalks, and for keeping them free from incum-  
21 brances, and may pay the expense ~~thereof~~ from the general  
22 street fund, or from the street district fund of any street dis-  
23 trict in which the sidewalk 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,

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~~



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~~

~~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 ELECTED  
9 AND SERVING OR BY ORDER OF THE CIRCUIT COURT IN THE COUNTY IN  
10 WHICH THE LAND IS SITUATED AS PROVIDED BY THE LAND DIVISION ACT,  
11 1967 PA 288, MCL 560.101 TO 560.293. THE CLERK OF THE MUNICIPAL-  
12 ITY WITHIN 30 DAYS SHALL RECORD A CERTIFIED COPY OF THE RESOLU-  
13 TION OR ORDINANCE WITH THE REGISTER OF DEEDS AND FILE A CERTIFIED  
14 COPY WITH THE DEPARTMENT 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

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

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~~

~~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

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, IMPROVE, and maintain SANITARY sewers, drains,

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

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

21       Sec. 26. (1) Before proceeding to the construction of any  
22 SANITARY sewer, drain, DITCH, STORM WATER SYSTEM, WATER SUPPLY  
23 SYSTEM, or ~~water-course, the expense or any~~ WATERCOURSE ALL OR  
24 part of the expense of which is to be defrayed by special assess-  
25 ment, the council shall cause a map to be made of those lands and  
26 premises which in their opinion will be benefited ~~by the~~  
27 ~~drainage,~~ and which they intend to assess for the cost. ~~of the~~

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

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

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

25 Sec. 33. The expenses of repairing public SANITARY sewers,  
 26 DRAINS, ditches, STORM WATER SYSTEMS, WATER SUPPLY SYSTEMS, and  
 27 ~~water-courses~~ WATERCOURSES may be paid by general tax. The



1 expenses of reconstructing ~~public sewers~~ THESE IMPROVEMENTS may  
 2 be defrayed in the manner ~~herein~~ prescribed IN THIS CHAPTER for  
 3 paying the expenses of ~~the construction thereof~~ CONSTRUCTING  
 4 SUCH IMPROVEMENTS.

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

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

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

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

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

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

1 (E) ADOPT and enforce ~~such~~ ordinances and regulations not  
2 inconsistent with the laws of the United States, or this state,  
3 as in the opinion of the council shall be most conducive to the  
4 orderly, safe, and convenient use and occupancy of the harbor,  
5 navigable waters, wharves, docks, piers, and landing places  
6 within the village.

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

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

1        Sec. 56. The council may, within the limitations in this  
2 act contained, raise and appropriate such sums as may be  
3 necessary for the purchase of cemetery grounds, and for the  
4 improvement, adornment, protection, and care ~~thereof~~ OF THE  
5 CEMETERY GROUNDS.

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

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

26        Sec. 58. The board of cemetery trustees shall appoint 1 of  
27 their number ~~chairman~~ CHAIRPERSON and the village clerk shall

1 be clerk of the board, and the council may by ordinance invest  
 2 the board with such powers and authority as may be necessary for  
 3 the care, management, and preservation of ~~such~~ THE cemetery,  
 4 ~~and~~ INCLUDING THE CEMETERY grounds, ~~the~~ tombs, ~~and~~  
 5 monuments, ~~therein~~ and ~~the~~ appurtenances. ~~thereof and, in~~  
 6 ~~addition to the duties herein mentioned the~~ THE board shall per-  
 7 form such other duties as the council may prescribe.

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

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

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

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

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

3 Sec. 63. The board of cemetery trustees ~~created under this~~  
4 ~~act shall have power to~~ MAY receive in trust ~~moneys or~~ MONEY  
5 OR OTHER property ~~by way of~~ AS gifts, grants, devises, or  
6 bequests for cemetery purposes. ~~All moneys and property which~~  
7 ~~may be so received by said board of cemetery trustees by way of~~  
8 ~~gifts, grants, devises or bequests for cemetery purposes,~~ THE  
9 MONEY OR OTHER PROPERTY shall be held in trust by ~~said~~ THE  
10 board, subject to the terms and conditions on which ~~the same may~~  
11 ~~be~~ IT WAS given, granted, devised, or bequeathed, and ~~the same~~  
12 shall constitute a trust fund. ~~, and if in~~ THE money ~~,~~ shall,  
13 unless otherwise expressed by those making such gifts, grants,  
14 devises, or bequests, be invested as permanent fund in undoubted  
15 real estate security, U.S. bonds, state bonds, or municipal  
16 bonds, AND the interest thereon after fulfillment of such condi-  
17 tions expressed ~~, to~~ SHALL be used in improving the cemetery  
18 under the control of ~~said~~ THE CEMETERY board. ~~, and no part of~~  
19 ~~such~~ THE gifts, grants, devises, or bequests shall be used ~~or~~  
20 ~~appropriated for other than~~ EXCLUSIVELY FOR cemetery purposes.

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

1 money received by the board under section 63. The treasurer  
 2 shall give and execute a bond to the board of cemetery trustees  
 3 in a sum fixed by the council.

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

12 (3) A writing prepared, owned, used, in the possession of,  
 13 or retained by the board in the performance of an official func-  
 14 tion shall be made available to the public in compliance with  
 15 ~~Act No. 442 of the Public Acts of 1976, being sections 15.231 to~~  
 16 ~~15.246 of the Michigan Compiled Laws~~ THE FREEDOM OF INFORMATION  
 17 ACT, 1976 PA 442, MCL 15.231 TO 15.246.

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

<u>Section Numbers</u>	<u>Chapter Number</u>	<u>Michigan Compiled Laws 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