

SENATE BILL No. 136

February 6, 2001, Introduced by Senator BENNETT and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1909 PA 278, entitled
"The home rule village act,"
by amending section 23 (MCL 78.23), as amended by 1999 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (a) The election of and compensation for a president who
4 shall be the executive head, a clerk, and a legislative body. An
5 election may be by a partisan, nonpartisan, or preferential
6 ballot or by any other legal method of voting.

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

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

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

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

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

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

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

12 (i) The publication of an ordinance or a synopsis of an
13 ordinance before the ordinance becomes operative. IF THE VILLAGE
14 PUBLISHES A SYNOPSIS OF THE ORDINANCE, THE PUBLICATION SHALL
15 INCLUDE THE LOCATION IN THE VILLAGE WHERE A COPY OF THE ORDINANCE
16 CAN BE INSPECTED OR OBTAINED. Any charter provision to the con-
17 trary notwithstanding, a village may adopt an ordinance punish-
18 able by imprisonment for not more than 93 days or a fine of not
19 more than \$500.00, or both, if the violation substantially corre-
20 sponds to a violation of state law that is a misdemeanor for
21 which the maximum period of imprisonment is 93 days. Whether or
22 not provided in its charter, a village may adopt a provision of
23 any state statute for which the maximum period of imprisonment is
24 93 days, the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
25 257.923, or a ~~plumbing code, electrical code, or building code~~
26 ~~that has been promulgated by this state, by a department, board,~~
27 ~~or other agency of this state, or by an organization or~~

~~1 association that is organized and conducted for the purpose of~~
~~2 developing that code~~ LAW OR RULE OF THIS STATE, INCLUDING, BUT
3 NOT LIMITED TO, A LAW OR RULE ADOPTING BY REFERENCE A CODE
4 PROMULGATED BY ANOTHER PUBLIC OR PRIVATE ENTITY OR A LAW OR RULE
5 CONSTITUTING THE TEXT OF A CODE, OR MAY ADOPT A CODE PROMULGATED
6 BY ANOTHER PUBLIC ENTITY OR A PRIVATE ENTITY, by ~~making~~ refer-
7 ence to that law, RULE, or code in an adopting ordinance, without
8 publishing that law, RULE, or code in full. IF AN ORDINANCE
9 ADOPTS BY REFERENCE A LAW OR RULE OF THIS STATE, THE ORDINANCE
10 MAY INCORPORATE FUTURE AMENDMENTS OR REVISIONS OF THE LAW OR RULE
11 BY EXPLICITLY PROVIDING THAT FUTURE AMENDMENTS OR REVISIONS ARE
12 INCORPORATED BY REFERENCE WHEN, OR A SPECIFIED PERIOD OF TIME
13 AFTER, THEY TAKE EFFECT IN THIS STATE. The law, RULE, or code
14 shall be clearly identified in the ordinance, and a statement of
15 the purpose of the law, RULE, or code shall be published with the
16 adopting ordinance OR WITH THE SYNOPSIS OF THE ADOPTING
17 ORDINANCE. Printed copies of the law, RULE, or code ADOPTED BY
18 THE VILLAGE BY REFERENCE shall be kept in the office of the vil-
19 lage clerk and made available to the public at all times. IF A
20 LAW OR RULE OF THIS STATE IS ADOPTED BY THE CITY BY REFERENCE AND
21 THE LAW OR RULE ADOPTS BY REFERENCE A CODE PROMULGATED BY ANOTHER
22 PUBLIC ENTITY OR A PRIVATE ENTITY, COPIES OF THE CODE ITSELF
23 SHALL ALSO BE KEPT IN THE OFFICE OF THE CITY CLERK, AVAILABLE FOR
24 INSPECTION BY AND DISTRIBUTION TO THE PUBLIC. The NEWSPAPER pub-
25 lication OF THE ORDINANCE shall contain a notice ~~stating~~ that a
26 complete copy of the law, RULE, or code is available to the
27 public at the office of the village clerk. A village shall not

1 enforce any provision adopted by reference for which the maximum
2 period of imprisonment is greater than 93 days.

3 (j) That the business of the legislative body shall be con-
4 ducted at a public meeting of the body held in compliance with
5 the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and all
6 records of the municipality shall be available to the public
7 under the freedom of information act, 1976 PA 442, MCL 15.231 to
8 15.246.

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

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