

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895

CHAPTER II
OFFICERS.

62.1 Village officers; council; ordinance providing for election and terms of office; adoption; filing petition to delay effect of ordinance; ballot question.

Sec. 1. (1) Except as provided in subsections (2) and (3), in each village, the following officers shall be elected: a president, 6 trustees, 1 clerk, and 1 treasurer. The president and trustees constitute the council. In all votes for which not less than a majority vote of council is required, the calculation of the number of votes required shall be based on the maximum number that constitutes council.

(2) The council by a vote of 2/3 of the members of council may provide by ordinance for the reduction in the number of trustees to 4 or for the election of all trustees at the same election for 2-year terms at the first possible election after 2004 who with the president shall constitute the council, and may provide by ordinance for the method of changing from 2-year staggered terms to 4-year staggered terms. If village trustees are elected biennially for staggered 4-year terms, the ordinance shall as nearly as possible maintain staggered terms and provide for an equal number of seats to be filled at each election. The ordinance may extend but shall not shorten the term of an incumbent trustee. The ordinance may extend a prospective term. The ordinance shall not shorten or eliminate a prospective term unless the nomination deadline for that term is not less than 30 days after the effective date of the ordinance. An ordinance adopted under this subsection shall satisfy both of the following conditions:

(a) The ordinance shall be voted on and adopted at a meeting that occurs not less than 10 days after the initial meeting or public hearing at which the ordinance was considered.

(b) Notice of each meeting at which the ordinance is considered indicating that an ordinance reducing the size of the council or to change the time of election of the trustees comprising the council will be 1 of the subjects of the meeting shall be published not less than 10 days before the meeting in a newspaper of general circulation in the village.

(3) The council by a vote of 2/3 of the members of council may provide by ordinance for the nomination by the president and the appointment by the council of the clerk or the treasurer or both for such a term as the ordinance may provide. The ordinance shall apply beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of the ordinance or shall apply when the office is vacated, whichever occurs first.

(4) The council shall provide that an ordinance adopted under subsection (2) or (3) takes effect 45 days after the date of adoption unless a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance takes effect upon approval at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the ordinance is published pursuant to section 4 of chapter VI. The village clerk shall verify the signatures on the petitions. If a petition bearing the required number of valid signatures of electors is filed, the question of adoption of the ordinance shall be submitted at the next general or special election. The ballot language for the question shall be prepared by the village clerk, unless the question concerns the appointment of the clerk under subsection (2), in which case the ballot language shall be prepared by the village council.

(5) A village that has adopted an ordinance reducing the number of trustees to 4 or providing for the appointment by the council of the clerk or treasurer may increase the number of trustees to 6 or provide for the election of the clerk or treasurer by the same process as provided in subsection (2) or (3), respectively, and in subsection (4).

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2699;—CL 1915, 2569;—CL 1929, 1479;—CL 1948, 62.1;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2004, Act 300, Imd. Eff. July 23, 2004.

62.2 Additional officers; appointment.

Sec. 2. (1) The president may nominate and the council appoint such officers as shall be provided for by resolution or ordinance of the council. The council may provide by ordinance or resolution for the appointment of other officers whose election or appointment is not specifically provided for in this act, as the council considers necessary for the execution of the powers granted by this act. The powers and duties of such officers shall be prescribed by the council. The council may require that the officers perform their duties faithfully and that proper measures be taken to punish neglect of duty by an officer.

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

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2700;—CL 1915, 2570;—Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925;—CL 1929, 1480;—CL 1948, 62.2;—Am. 1985, Act 173, Imd. Eff. Dec. 2, 1985;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.3 Appointments; time.

Sec. 3. Except for an appointment to fill a vacancy or unless a different time is prescribed in the ordinance or resolution creating the office, an appointment to a village office shall be made at the first village council meeting after the qualification of a council member who is elected at the village's regular election. If, for any cause, an appointment is not made at that meeting or on the day prescribed in the ordinance or resolution creating the office, the appointment may be made at a subsequent regular or special meeting of the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2701;—CL 1915, 2571;—CL 1929, 1481;—CL 1948, 62.3;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.4 Term of office.

Sec. 4. Unless otherwise provided by ordinance, the president, clerk, and treasurer hold their respective offices for the term of 2 years and until their successors are elected and qualified. The term of office for a president, clerk, or treasurer elected at the village's regular election begins on November 20 after the officer's election and qualification.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2702;—CL 1915, 2572;—Am. 1925, Act 105, Imd. Eff. Apr. 30, 1925;—CL 1929, 1482;—CL 1948, 62.4;—Am. 1971, Act 18, Imd. Eff. May 5, 1971;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2012, Act 551, Eff. Mar. 28, 2013.

62.5 Village trustees; term of office; ordinance providing for election and terms of office.

Sec. 5. Except as otherwise provided in this section, 3 village trustees shall be elected at each biennial village election for the term of 4 years and until their successors are qualified. As an alternative, if provided by an ordinance adopted by the village all 6 village trustees shall be elected at the biennial village elections for the term of 2 years and until their successors are qualified. The term of office for a trustee elected at the village's regular election begins on November 20 after the officer's election and qualification.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2703;—CL 1915, 2573;—CL 1929, 1483;—CL 1948, 62.5;—Am. 1973, Act 148, Imd. Eff. Nov. 21, 1973;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005;—Am. 2004, Act 300, Imd. Eff. July 23, 2004;—Am. 2012, Act 551, Eff. Mar. 28, 2013.

***** 62.5a SUBSECTION (1) DOES NOT APPLY AFTER DECEMBER 31, 2006: See subsection (2) *****

62.5a Staggered terms of office; resolution; length of initial terms; applicability of subsection (1).

Sec. 5a. (1) Notwithstanding any other provision of this act, the village may pass a resolution to provide for the terms of office of its elected officials and for the terms to be staggered.

(2) The initial terms established under subsection (1) may be longer than allowed under this act in order to facilitate the staggering of terms. This subsection does not apply after December 31, 2006.

(3) Notwithstanding any other provision of this act, the village may pass a resolution to provide for any election provision that is consistent with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 2005, Act 65, Imd. Eff. July 7, 2005.

62.6 Appointive officers; term.

Sec. 6. Except for an officer appointed to fill a vacancy in an elective office, an appointive village officer holds the office for 2 years after the date of the appointment or until the village's next regular election, whichever is earlier, and until the officer's successor is appointed and qualified unless a different term of office is prescribed in this act, in an ordinance authorized by this act, or in the ordinance or resolution creating the office. An officer appointed to fill a vacancy in an elective office shall hold office until the next regular village election, and until his or her successor is elected and qualified. An officer appointed to fill a vacancy in an appointive office shall hold office until his or her successor is appointed and qualified.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2704;—CL 1915, 2574;—CL 1929, 1484;—CL 1948, 62.6;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.7 Qualifications for office; void votes; "in default" defined; oath.

Sec. 7. (1) A person shall not be elected to an office unless he or she is an elector of the village.

(2) A person in default to the village is not eligible for any office in the village. All votes in an election for or any appointment of a person in default to the village are void. As used in this subsection, "in default" means delinquent in payment of property taxes or a debt owed to the village if 1 of the following applies:

(a) The taxes remain unpaid after the last day of February in the year following the year in which they are levied, unless the taxes are the subject of an appeal.

(b) Another debt owed to the village remains unpaid 90 days after the due date, unless the debt is the subject of an administrative appeal or a contested court case.

(3) Not more than 30 days after receiving notice of his or her election or appointment, an officer of the village shall take and subscribe the oath of office prescribed by the constitution of the state and file the oath with the clerk. An officer who fails to comply with the requirements of this subsection shall be considered to have declined the office.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2705;—CL 1915, 2575;—CL 1929, 1485;—CL 1948, 62.7;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

Compiler's note: In subsection (3), "the constitution of the state" evidently refers to the Constitution of 1908. See now Const. 1963, Art. XI, § 1.

62.8 Official bonds; deposit time.

Sec. 8. Every officer elected or appointed in the village, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the village clerk such bond or security as may be required by law, or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the clerk shall be deposited with the treasurer.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2706;—CL 1915, 2576;—CL 1929, 1486;—CL 1948, 62.8.

62.9 Additional bonds; removal from office.

Sec. 9. The council may, at any time, require any officer to execute and file with the clerk additional or new official bonds, with such new or further sureties as said council shall deem requisite for the interest of the corporation. Any failure to comply with such requirement within 15 days shall subject the officer to immediate removal from office by the council.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2707;—CL 1915, 2577;—CL 1929, 1487;—CL 1948, 62.9.

VACANCIES IN OFFICE.

62.10 Resignations.

Sec. 10. (1) Except as otherwise provided in subsection (2), the resignation of a village officer must be made to the village president, and the resignation is effective upon receipt by the village president.

(2) The resignation of the village president must be made to the village clerk, and the resignation is effective upon receipt by the village clerk.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2708;—CL 1915, 2578;—CL 1929, 1488;—CL 1948, 62.10;—Am. 2020, Act 81, Imd. Eff. Apr. 2, 2020.

62.11 Office vacancies.

Sec. 11. If any elected officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated. If any officer is alleged to be in default as defined in section 7 of this chapter, the office shall be declared vacated.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2709;—CL 1915, 2579;—CL 1929, 1489;—CL 1948, 62.11;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.12 Failure of officer to give or maintain bond.

Sec. 12. If any person elected or appointed to office fails to give or maintain the bond or security required for the due performance of the duties of his or her office, within the time specified under section 8 or 9 of this chapter, the council shall declare the office vacant, unless the officer gives the requisite bond or security before the council makes its declaration.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2710;—CL 1915, 2580;—CL 1929, 1490;—CL 1948, 62.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.13 Vacancies; filling; special elections; procedure; expenses.

Sec. 13. A vacancy occurring in the office of president, trustee, or any other elective office shall be filled by appointment by the council, and the appointee shall hold office until the next regular village election. All vacancies in any other office shall be filled by the president, by and with the consent of the council. If by reason of removal, death, resignation, or otherwise, the membership of the council is reduced to less than a quorum, the remaining council members shall call a special election for the purpose of filling all vacancies in

the office of trustee, if a petition signed by not less than 10% of the qualified voters of the village is filed with the village clerk within 10 days after the vacancy or vacancies occur. If a petition is not filed within the time stated, then the remaining council members may either call a special election, or may appoint a sufficient number of trustees to constitute with the members in office a quorum of the council, who shall then fill the remaining vacancies as provided in this section. If all the officers and trustees of a village have died or moved from the village, and no successors have been elected or appointed to fill the vacancies, the township clerk of the township within which the village is situated shall, upon petition of 10% of the qualified voters residing in the village, call a special election for the election of the officers and trustees of the village to be held on a regular election date as established under section 641 of the Michigan election law, 1954 PA 116, MCL 168.641. The township shall perform all of the other duties with respect to the election as the village might have done had the vacancies not existed, including the preparation of ballots, the appointment of election inspectors, the counting and canvassing of the ballots, and the certification of the persons elected to the offices for which the election was held. The expenses of the election shall be paid by the village as provided in section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2711;—CL 1915, 2581;—Am. 1921, Act 10, Eff. Aug. 18, 1921;—CL 1929, 1491;—CL 1948, 62.13;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.14 Surety not exonerated.

Sec. 14. The resignation or removal of an officer or the appointment or election of a successor to the officer does not exonerate the officer or the officer's sureties from any liability incurred by the officer or the officer's sureties.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2712;—CL 1915, 2582;—CL 1929, 1492;—CL 1948, 62.14;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.15 Property delivered to successor.

Sec. 15. When an officer resigns or is removed from office, or when the elected term of office expires, he or she shall deliver over to his or her successor in office books, papers, money, evidence of debt, and other property as required by section 480 of the Michigan penal code, 1931 PA 328, MCL 750.480.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2713;—CL 1915, 2583;—CL 1929, 1493;—CL 1948, 62.15;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.