

# HOUSE BILL No. 5916

March 2, 2010, Introduced by Rep. Lund and referred to the Committee on Judiciary.

A bill to amend 1895 PA 3, entitled  
"The general law village act,"  
by amending section 1 of chapter II and section 4 of chapter VI  
(MCL 62.1 and 66.4), section 1 of chapter II as amended by 2004 PA  
300 and section 4 of chapter VI as amended by 1999 PA 259, and by  
adding section 4 to chapter XIV.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER II

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

1 constitutes council.

2 (2) The council by a vote of 2/3 of the members of council may  
3 provide by ordinance for the reduction in the number of trustees to  
4 4 or for the election of all trustees at the same election for 2-  
5 year terms at the first possible election after 2004 who with the  
6 president shall constitute the council, and may provide by  
7 ordinance for the method of changing from 2-year staggered terms to  
8 4-year staggered terms. If village trustees are elected biennially  
9 for staggered 4-year terms, the ordinance shall as nearly as  
10 possible maintain staggered terms and provide for an equal number  
11 of seats to be filled at each election. The ordinance may extend  
12 but shall not shorten the term of an incumbent trustee. The  
13 ordinance may extend a prospective term. The ordinance shall not  
14 shorten or eliminate a prospective term unless the nomination  
15 deadline for that term is not less than 30 days after the effective  
16 date of the ordinance. An ordinance adopted under this subsection  
17 shall satisfy both of the following conditions:

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

21 (b) Notice of each meeting at which the ordinance is  
22 considered indicating that an ordinance reducing the size of the  
23 council or to change the time of election of the trustees  
24 comprising the council will be 1 of the subjects of the meeting  
25 shall be published not less than 10 days before the meeting in a  
26 newspaper of general circulation in the village, **OR POSTED NOT LESS**  
27 **THAN 10 DAYS BEFORE THE MEETING IN THE OFFICE OF THE VILLAGE CLERK**

1 AND ON AT LEAST 1 OF THE FOLLOWING:

2 (i) THE VILLAGE'S WEBSITE.

3 (ii) THE WEBSITE OF THE NEWSPAPER DESIGNATED BY THE VILLAGE AS  
4 THE OFFICIAL NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE.

5 (iii) THE VILLAGE'S PUBLIC ACCESS CABLE TELEVISION CHANNEL.

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

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

1 question shall be prepared by the village clerk, unless the  
2 question concerns the appointment of the clerk under subsection  
3 (2), in which case the ballot language shall be prepared by the  
4 village council.

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

#### 11 CHAPTER VI

12 Sec. 4. (1) Within 15 days after an ordinance is passed, the  
13 clerk shall publish the ordinance or a synopsis of the ordinance in  
14 a newspaper circulated in the village, **OR POST THE ORDINANCE OR A**  
15 **SYNOPSIS OF THE ORDINANCE IN THE OFFICE OF THE VILLAGE CLERK AND ON**  
16 **AT LEAST 1 OF THE FOLLOWING:**

17 (A) **THE VILLAGE'S WEBSITE.**

18 (B) **THE WEBSITE OF THE NEWSPAPER DESIGNATED BY THE VILLAGE AS**  
19 **THE OFFICIAL NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE.**

20 (C) **THE VILLAGE'S PUBLIC ACCESS CABLE TELEVISION CHANNEL.**

21 (2) Immediately after the ordinance or synopsis of the  
22 ordinance is published **OR POSTED**, the clerk shall enter in the  
23 record of ordinances, in a blank space to be left for that purpose  
24 under the record of the ordinance, a signed certificate, stating  
25 the date on which and the name of the newspaper in which the  
26 ordinance was published **OR THE DATE ON WHICH AND THE METHOD IN**  
27 **WHICH THE ORDINANCE WAS POSTED.** The certificate is prima facie

1 evidence of the publication **OR POSTING** of the ordinance or the  
2 synopsis.

3       **(3) ~~(2)~~**—A village may adopt a provision of any state statute  
4 for which the maximum period of imprisonment is 93 days, the  
5 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a  
6 plumbing code, electrical code, mechanical code, fire protection  
7 code, building code, or other code promulgated by this state, by a  
8 department, board, or other agency of this state, or by an  
9 organization or association that is organized or conducted for the  
10 purpose of developing a code, by reference to the law or code in an  
11 adopting ordinance and without publishing **OR POSTING** the law or  
12 code in full. The law or code shall be clearly identified in the  
13 ordinance and a statement of the purpose of the law or code shall  
14 be published **OR POSTED** with the adopting ordinance. Printed copies  
15 of the law or code shall be kept in the office of the village clerk  
16 available for inspection by or distribution to the public during  
17 normal business hours. The village may charge a fee that does not  
18 exceed the actual cost for copies of the law or code distributed to  
19 the public. The publication in the newspaper **OR THE POSTING AS**  
20 **PROVIDED UNDER THIS SECTION** shall contain a notice to the effect  
21 that a complete copy of the law or code is available for public use  
22 and inspection at the office of the village clerk. A village shall  
23 not enforce any provision adopted by reference for which the  
24 maximum period of imprisonment is greater than 93 days.

25                                   CHAPTER XIV

26       **SEC. 4. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY LAW AND**  
27 **NOTWITHSTANDING ANY CHARTER PROVISION OR ORDINANCE, A VILLAGE THAT**

1 IS REQUIRED TO PUBLISH A LEGAL NOTICE IN A NEWSPAPER OF GENERAL  
2 CIRCULATION IN THE VILLAGE MAY SATISFY THAT REQUIREMENT BY POSTING  
3 THE LEGAL NOTICE IN THE OFFICE OF THE VILLAGE CLERK AND ON AT LEAST  
4 1 OF THE FOLLOWING:

5 (A) THE VILLAGE'S WEBSITE.

6 (B) THE WEBSITE OF THE NEWSPAPER DESIGNATED BY THE VILLAGE AS  
7 THE OFFICIAL NEWSPAPER OF GENERAL CIRCULATION IN THE VILLAGE.

8 (C) THE VILLAGE'S PUBLIC ACCESS CABLE TELEVISION CHANNEL.