

CHAPTER VIII

LEGISLATION

Section 8.1 Status of Chapter.

This charter shall constitute the governing law of the City of the Village of Douglas, subject only to the Constitution and general laws of the State of Michigan and of the United States of America.

Section 8.2 Prior Village Ordinances And Regulations.

All bylaws, ordinances, resolutions, rules and regulations of the Village of Douglas, prior to incorporation, which are not inconsistent with this charter and which are in full force and effect on the effective date of this charter shall continue in full force and effect as bylaws, ordinances, resolutions, rules or regulation. Officers or members of any board or commission shall, after the effective date of this charter, be appointed by the council, except as otherwise provided by this charter or law.

Section 8.3 Legislative Powers.

The legislative power of the City of the Village of Douglas is vested exclusively with the council, except as otherwise provided by law.

Section 8.4 Forms Of Legislation.

(a) **Resolution or Motion**

A resolution or motion shall be limited to matters required or permitted to be done by the charter, or by state or federal laws or pertaining to the internal affairs or concerns of the city government. A resolution is an official council action in the form of a motion adopted by a majority vote of the elected council members.

(b) **Ordinance**

(1) An ordinance is an official council action by a majority vote of the elected council members. An ordinance is a legislative act establishing a more permanent influence on the city than a resolution and requiring greater formalities in its adoption.

(2) Each ordinance shall be introduced in written form and identified by a number and short title.

- (3) The style of all ordinances passed by council shall be “The City of the Village of Douglas ordains.”

Section 8.5 Action Requiring An Ordinance.

- (a) In addition to other acts required by law or by specific charter provisions to be done by ordinance, those council acts shall be by ordinance which:
 - (1) Adopt or amend an administrative code or establish, alter or abolish any city department, office or agency;
 - (2) Provide a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
 - (3) Grant, renew or extend a franchise;
 - (4) Adopt, with or without amendment, ordinances proposed under the initiative power and;
 - (5) Amend or repeal any ordinance previously adopted, except as otherwise provided by this charter with respect to repealing ordinances reconsidered under the referendum power.
- (b) Acts other than those referred to in Section 8.5(a) may be done either by ordinance or resolution.

Section 8.6 Ordinance – Enactment, Amendment, Repeal.

- (a) Unless declared to be an emergency ordinance by a vote of not less than two-thirds (2/3) of the council membership, no ordinance shall be adopted at the same meeting at which it is introduced.
- (b) An ordinance may be repealed by reference to its number and title.
- (c) No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance or amendment or repeal, or summary thereof.
- (d) The effective date of any ordinance shall be prescribed therein, and shall not be less than twenty (20) days after its adoption and publication.

Section 8.7 Ordinance – Emergency.

An emergency ordinance shall:

- (a) Be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property;
- (b) Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms;
- (c) Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds (2/3) of council membership present. An emergency ordinance may be given effect earlier than twenty (20) days after enactment if the requirements for publication are met by posting copies thereof in three (3) public places in the city. The clerk shall immediately after such posting enter in the ordinance book under the record of the ordinance a certificate stating the time and place of such publication by posting. Any emergency ordinance shall also be published in accordance with Section 8.9, but not as a requirement for the effectiveness thereof;
- (d) Not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.

Section 8.8 Ordinance – Record.

- (a) An ordinance when enacted shall be recorded by the clerk in a book called “The Ordinance Book.”
- (b) It shall be the duty of the mayor and the clerk to authenticate such record by their official signatures.

Section 8.9 Ordinance – Publication.

- (a) Except as otherwise provided in this charter, an ordinance when enacted shall be published forthwith by the clerk in the manner provided by this charter for publication of notices, or as otherwise provided by law. The publication shall contain a notice stating that a complete copy of the ordinance is available to the public at the Clerk’s office.
- (b) The clerk’s certificate shall be entered as to the manner and date of publication under each ordinance in the Ordinance Book.

- (c) The council may adopt any detailed technical regulations as a city ordinance by reference to any recognized standard code, official or unofficial.
- (d) If such a code be written in detail for the city and adopted as an ordinance, the publication of a sufficient number of copies in booklet form, available for public distribution at cost, shall be sufficient publication of such ordinance, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

Section 8.10 Penalties.

The council may provide in any ordinance for the punishment of those who violates its provisions. The punishment for the violation of any city ordinance shall not exceed a fine as prescribed by State law, or imprisonment as prescribed by State law, or both, at the discretion of the court.

Section 8.11 Initiatory And Referendary Petitions – Generally.

Any ordinance may be initiated by petition, or a referendum on a legislative act may be made by petition as hereinafter provided.

Section 8.12 Petitions.

- (a) An initiatory or referendary petition shall be signed by not less than fifteen (15%) percent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petitions shall be obtained within thirty (30) days before the date of filing the petition with the clerk. Any referendum petition shall be filed within thirty (30) days after the effective date of the legislative act.
- (b) Any such petition shall be addressed to the council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person.
- (c) An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance.
- (d) A referendary petition shall identify the ordinance, or part thereof, it proposes to have repealed.
- (e) Each signer of a petition shall be a registered elector of the city and shall sign his or her name thereon and after his or her name, the date and his or her place of residence by street and number, or by other customary designation.

- (f) To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant.
- (g) Such petitions shall be filed with the clerk who shall, within fifteen (15) days, verify the signatures thereon.
- (h) If the petition does not contain a sufficient number of signatures of registered electors of the city, the clerk shall notify forthwith the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers.
- (i) When a petition with sufficient signatures is filed within the time allowed by this section, the clerk shall present the petition to the council at its next regular meeting.

Section 8.13 Petitions – Council Procedure, Submission To Electors.

Upon receiving an initiatory or referendary petition from the clerk the council shall, within thirty (30) days, unless otherwise provided by law, either,

- (a) Adopt the ordinance as submitted by initiatory petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendary petition or;
- (c) Determine to submit the proposal provided for in the petition to the electors.
- (d) When the provisions of this charter require the council to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or in the discretion of the council, at a special election. In any event, it shall be submitted at an election where there is sufficient time for the processing of the notice of registration and of election and providing for absentee ballots. The results shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Section 8.14 General Provisions; Suspension.

- (a) The presentation to the council by the clerk of a valid referendary petition shall automatically suspend the operation of the ordinance in question pending repeal by the council or final determination by the electors.

- (b) An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one (1) year after the date of the election at which it was repealed. Re-enactment requires an affirmative vote by not less than two-thirds (2/3) membership of the council.
- (c) If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

Section 8.15 Codification.

- (a) Within three (3) years of this charter's effective date and at least every ten (10) years thereafter, the council shall provide for preparing a general codification of all the city ordinances and resolutions having the effect of law.
- (b) The general codification shall be enacted by ordinance and be known as the City of The Village of Douglas Code. Copies shall be furnished to city officials, placed in a local library, and sufficient copies maintained in the clerk's office for free public reference, and made available for purchase by the general public at cost.
- (c) After publishing of the first City of the Village of Douglas Code, new ordinances and resolutions shall be printed annually in a form for integration with the code currently in effect.

Section 8.16 Recall.

Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter and by statute. A vacancy created after any elected official is recalled and before an election required by law to fill the vacant office, shall be filled by an appointment recommended by the mayor and approved by the council.

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