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## THE HOME RULE CITY ACT

### Act 279 of 1909

AN ACT to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates.

**History:** 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—Am. 1913, Act 5, Imd. Eff. Mar. 11, 1913;—Am. 1973, Act 81, Imd. Eff. July 31, 1973;—Am. 1981, Act 175, Imd. Eff. Dec. 14, 1981;—Am. 1986, Act 64, Imd. Eff. Mar. 31, 1986;

—Am. 1998, Act 150, Eff. Mar. 23, 1999.

*The People of the State of Michigan enact:*

### 117.1 Body corporate.

Sec. 1. Each organized city shall be a body corporate.

**History:** 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3304;—CL 1929, 2228;—CL 1948, 117.1.

**Constitutionality:** 1911 PA 203, which amended the title of this act and MCL 117.2, 117.4, 117.5, 117.18, 117.19, 117.20, 117.21, 117.25, and 117.28, and which added MCL 117.37, was held unconstitutional in its entirety in *Gallup v Saginaw*, 170 Mich 195; 135

NW 1060 (1912). See also *Attorney General v Detroit*, 168 Mich 249; 133 NW 1090 (1912); *Common Council of Detroit v Engel*, 187

Mich 88; 153 NW 537 (1915).

### 117.1a Short title.

Sec. 1a. This act shall be known and may be cited as “the home rule city act”.

**History:** Add. 1945, Act 15, Eff. Sept. 6, 1945;—CL 1948, 117.1a;—Am. 1994, Act 89, Eff. Oct. 1, 1994.

### 117.1b Emergency financial manager; authority and responsibilities.

Sec. 1b. Notwithstanding any provision of this act, if an emergency financial manager has been appointed under the local government fiscal responsibility act, Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, with respect to a city governed by this act, then that emergency financial manager may exercise the authority and responsibilities provided in this act to the extent

authorized by Act No. 101 of the Public Acts of 1988.

**History:** Add. 1988, Act 190, Imd. Eff. June 27, 1988.

### 117.2 Saving clause.

Sec. 2. Each city now existing shall continue with all its present rights and powers until otherwise provided by law.

**History:** 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 203, Eff. Aug. 1, 1911;—CL 1915, 3305;—CL 1929, 2229;—CL 1948, 117.2.

**Compiler's note:** Act 203 of 1911, which amended this section, was held unconstitutional and void. See note to MCL 117.1.

The 1911 amendment reads as follows: “Sec. 2. Each city now existing shall continue with all its present rights and powers except as herein otherwise provided.”

### 117.3 Mandatory charter provisions.

Sec. 3. Each city charter shall provide for all of the following:



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**(a) The election of a mayor, who shall be the chief executive officer of the city, and of a body vested with legislative power, and for the election or appointment of a clerk, a treasurer, an assessor or board of assessors, a board of review, and other officers considered necessary.** The city charter

may provide for the selection of

the mayor by the legislative body. Elections may be by a partisan, nonpartisan, or preferential ballot, or by any other legal method of voting. Notwithstanding another law or charter provision to the contrary, a city having a 1970 official population of more than 150,000, whose charter provides for terms of office of less than 4 years, and in which the term of office for the mayor and the governing body are of the same length, may provide by ordinance for a term of office of up to 4 years for mayor and other elected city officials.

The ordinance shall provide that the ordinance shall take effect 60 days after it is enacted unless within the 60 days a petition is submitted to the city clerk signed by not less than 10% of the registered electors of the city requesting that the question of approval of the ordinance be submitted to the electors at the next regular election or a special election called for the purpose of approving or disapproving the ordinance.

(b) The nomination of elective officers by partisan or nonpartisan primary, by petition, or by convention.

(c) The time, manner, and means of holding elections and the registration of electors, subject to section 26

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(d) The qualifications, duties, and compensation of the city's officers. If the city has an appointed chief administrative officer, the legislative body of the city may enter into an employment contract with the chief administrative officer extending beyond the terms of the members of the legislative body unless the employment contract is prohibited by the city charter. An employment contract with a chief administrative officer shall be in writing and shall specify the compensation to be paid to the chief administrative officer, any procedure for changing the compensation, any fringe benefits, and other conditions of employment.

The contract shall state if the chief administrative officer serves at the pleasure of the legislative body, and the contract may provide for severance pay or other benefits in the event the chief administrative officer's employment is terminated at the pleasure of the legislative body.

(e) The establishment of 1 or more wards, and if the members of the city's legislative body are chosen by wards, for equal representation for each ward in the legislative body.

(f) That the subjects of taxation for municipal purposes are the same as for state, county, and school purposes under the general law.

(g) The annual laying and collecting taxes in a sum, except as otherwise provided by law, not to exceed 2% of the taxable value of the real and personal property in the city. Unless the charter provides for a different tax rate limitation, the governing body of a city may levy and collect taxes for municipal purposes in a sum not to exceed 1% of the taxable value of the real and personal property in the city. As used in this subdivision, "taxable value" is that value determined under section 27a of the general property tax act, 1893 PA 206, MCL



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211.27a.

(h) An annual appropriation of money for municipal purposes.

(i) The levy, collection, and return of state, county, and school taxes in conformance with the general laws of this state, except that the preparation of the assessment roll, the meeting of the board of review, and the confirmation of the assessment roll may be at the times provided in the city charter.

(j) The public peace and health and for the safety of persons and property. In providing for the public peace, health, and safety, a city may expend funds or enter into contracts with a private organization, the federal or state government, a county, village, or township, or another city for services considered necessary by the legislative body. Public peace, health, and safety services may include the operation of child guidance and community mental health clinics, the prevention, counseling, and treatment of developmental disabilities, the prevention of drug abuse, and the counseling and treatment of drug abusers.

(k) Adopting, continuing, amending, and repealing the city ordinances and for the publication of each ordinance before it becomes operative. Whether or not provided in its charter, instead of publishing a true copy of an ordinance before it becomes operative, the city may publish a summary of the ordinance. If the city publishes a summary of the ordinance, the city shall include in the publication the designation of a location in the city where a true copy of the ordinance can be inspected or obtained. A charter provision to the contrary notwithstanding, a city may adopt an ordinance punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. Whether or not provided in its charter, a city may adopt a provision of a state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. Except as otherwise provided under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, a city may adopt a law, code, or rule that has been promulgated and adopted by an authorized agency of this state pertaining to fire, fire hazards, fire prevention, or fire waste, and a fire prevention code, plumbing code, heating code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code, an international property maintenance code, or a code pertaining to flammable liquids and gases or hazardous chemicals, that has been promulgated or adopted by this state, by a department, board, or other agency of this state, or by an organization or association that is organized and conducted for the purpose of developing the code, by reference to the law, code, or rule in an adopting ordinance and without publishing the law, code, or rule in full. The law, code, or rule shall be clearly identified in the ordinance and its purpose shall be published with the adopting ordinance.



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Printed copies of the law, code, or rule shall be kept in the office of the city clerk, available for inspection by, and distribution to, the public at all times. The publication shall contain a notice stating that a complete copy of the law, code, or rule is made available to the public at the office of the city clerk in compliance with state law requiring that records of public bodies be made available to the general public. A city shall not enforce a provision adopted by reference for which the maximum period of imprisonment is greater than 93 days. (I) That the business of the legislative body shall be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. All records of the municipality shall be made available to the general public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231

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to 15.246.

(m) Keeping in the English language a written or printed journal of each session of the legislative body.

(n) A system of accounts that conforms to a uniform system of accounts as required by law.

**History:** 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3006;—Am. 1929, Act 126, Eff. Aug. 28, 1929;—CL 1929, 2230;—Am. 1947, Act 344, Eff. Oct. 11, 1947;—Am. 1948, 1st Ex. Sess., Act 44, Eff. Aug. 20, 1948;—CL 1948, 117.3;—Am. 1949, Act 43, Eff. Sept. 23, 1949;—Am. 1960, Act 14, Imd. Eff. Apr. 13, 1960;—Am. 1967, Act 43, Eff. Nov. 2, 1967;—Am. 1973, Act 81, Imd. Eff. July 31, 1973;—Am. 1977, Act 204, Imd. Eff. Nov. 17, 1977;—Am. 1978, Act 241, Imd. Eff. June 15, 1978;—Am. 1979, Act 59, Imd. Eff. July 18, 1979;—Am. 1991, Act 182, Imd. Eff. Dec. 27, 1991;—Am. 1993, Act 207, Imd. Eff. Oct. 19, 1993;—Am. 1999, Act 256, Imd. Eff. Dec. 28, 1999;—Am. 1999, Act 260, Eff. Dec. 29, 1999;—Am. 2002, Act 201, Imd. Eff. Apr. 29, 2002;—Am. 2003, Act 303, Eff. Jan. 1, 2005;—Am. 2004, Act 541, Imd. Eff. Jan. 3, 2005.