

Act No. 78  
Public Acts of 1989  
Approved by the Governor  
June 19, 1989  
Filed with the Secretary of State  
June 20, 1989

**STATE OF MICHIGAN  
85TH LEGISLATURE  
REGULAR SESSION OF 1989**

Introduced by Senators Geo. Hart and Holmes

# **ENROLLED SENATE BILL No. 102**

AN ACT to amend the title and section 1 of Act No. 246 of the Public Acts of 1945, entitled as amended "An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by the county sheriff; to provide penalties; and to repeal all acts and parts of acts in conflict therewith," being section 41.181 of the Michigan Compiled Laws; to add sections 4, 5, 6, and 7; to repeal certain parts of the act; and to repeal certain acts and parts of acts.

*The People of the State of Michigan enact:*

Section 1. The title and section 1 of Act No. 246 of the Public Acts of 1945, being section 41.181 of the Michigan Compiled Laws, are amended and sections 4, 5, 6, and 7 are added to read as follows:

## **TITLE**

An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards; to provide penalties; and to repeal all acts and parts of acts in conflict therewith.

Sec. 1. (1) The township board of a township may, at a regular or special meeting by a majority of the members elect of the township board, adopt ordinances regulating the public health, safety, and general welfare of persons and property, including, but not limited to fire protection, licensing or use of bicycles, traffic and parking of vehicles, sidewalk maintenance and repairs, the licensing of business establishments, and the licensing and regulating of public amusements, and provide penalties for the violation of the ordinances. The township shall enforce the ordinances and may employ and establish a police department with full power to enforce township ordinances and state laws. If state laws are to be enforced, a township shall have a law enforcement unit or may by resolution appropriate funds and call upon the sheriff of the county or department of state police or other local law enforcement agency in which the township is located to provide special police protection for the township. The sheriff, department of state police, or other local law enforcement agency shall, if called upon, provide special police protection for the township and enforce local township ordinances, to the extent that township funds are appropriated for the enforcement. Special township deputies appointed by the sheriff shall be under the jurisdiction of and solely responsible to the sheriff. Ordinances regulating traffic and parking of vehicles and bicycles shall not be in contravention of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(2) Ordinances enacted may apply to streets, roads, highways, or portions of the township determined by the township board or may be limited to specified platted lands within the township, and with respect to these lands shall be valid and enforceable whether the roads and streets have been dedicated to public use or not. Township boards of townships enacting ordinances under this section may accept contributions from duly constituted representatives of the platted lands benefited by the ordinances, to defray administrative and enforcement costs incident to the enactment of ordinances.

Sec. 4. (1) A township ordinance shall contain a provision stating when the ordinance shall take effect.

(2) Except as provided in section 22 of Act No. 359 of the Public Acts of 1947, being section 42.22 of the Michigan Compiled Laws, and section 11 of the township rural zoning act, Act No. 184 of the Public Acts of 1943, being section 125.281 of the Michigan Compiled Laws, a township ordinance shall take effect as follows:

(a) If an ordinance imposes a penalty for the violation of the ordinance, the ordinance shall take effect 30 days after the first publication of the ordinance.

(b) If an ordinance does not impose a penalty for the violation of the ordinance, the ordinance shall take effect the day following the date of the publication of the ordinance or any date following publication specified in the ordinance.

(3) Publication of the ordinance shall be made within 30 days after the passage of the ordinance by inserting either a true copy or a summary of the ordinance once in a newspaper circulating within the township. A summary of an ordinance may be drafted by the same person that drafted the ordinance or by the township board or township zoning board and shall be written in clear and nontechnical language. Each section of an ordinance or a summary of an ordinance shall be preceded by a catch line.

(4) If a summary of an ordinance is published, the township shall include in the publication the designation of a location in the township where a true copy of the ordinance can be inspected or obtained.

(5) A penalty imposed by an ordinance shall not exceed the penalty imposed by the general law for a misdemeanor.

Sec. 5. (1) Within 1 week after the first publication of an ordinance as provided in section 4, the township clerk shall record the ordinance in a book of ordinances kept by him or her for that purpose; record the date of the passage of the ordinance, the names of the members of the township board voting, and how each member voted; and file an attested copy of the ordinance with the county clerk. The township clerk shall certify under the ordinance in a blank space provided the date or dates of publication of the ordinance, the name of the newspaper in which publication was made, and the date of filing with the county clerk.

(2) The county clerk shall maintain separate files for the ordinances of each township in the county and make the files readily available to the public.

(3) The provisions of this section with regard to filing with the county clerk shall not apply to a township that maintains a township office open to the public during regular hours on each business day.

(4) The county clerk may charge a reasonable fee for the reproduction or furnishing of a copy of an ordinance.

Sec. 6. Each township may codify, recodify, and continue in code its ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code, as well as subsequent ordinances repealing, amending, continuing, or adding to the code, shall be published as required by law. The ordinance adopting the code may amend, repeal, revise, or rearrange ordinances or parts of ordinances by reference by title only.

Sec. 7. The township board of a township may employ an attorney to represent the township in civil matters and in the prosecution of violations of township ordinances. The attorney shall receive the compensation determined by the township board. In prosecution of a violation of a township ordinance, the township attorney shall countersign the certificates of jurors and witnesses.

Section 2. The following acts and parts of acts are repealed:

(a) Section 2 of Act No. 246 of the Public Acts of 1945, being section 41.182 of the Michigan Compiled Laws.

(b) Act No. 191 of the Public Acts of 1939, being sections 41.191 to 41.192 of the Michigan Compiled Laws.

(c) Act No. 144 of the Public Acts of 1969, being section 41.641 of the Michigan Compiled Laws.

(d) Act No. 97 of the Public Acts of 1954, being section 41.661 of the Michigan Compiled Laws.

This act is ordered to take immediate effect.

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Secretary of the Senate.

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Clerk of the House of Representatives.

Approved .....

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Governor.