

# SENATE BILL No. 102

February 7, 1989, Introduced by Senators GEO. HART and HOLMES and referred to the Committee on Local Government and Veterans.

A bill 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:

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

## TITLE

1  
2 An act to authorize township boards to adopt ordinances and  
3 regulations to secure the public health, safety and general wel-  
4 fare; to provide for the establishment of a township police  
5 department; to provide for policing of townships by the county  
6 sheriff; TO PROVIDE FOR THE PUBLICATION OF ORDINANCES; TO PRE-  
7 SCRIBE POWERS AND DUTIES OF TOWNSHIP BOARDS; to provide penal-  
8 ties; and to repeal all acts and parts of acts in conflict  
9 therewith.

10 Sec. 1. (1) The township board of a township may, at a reg-  
11 ular or special meeting by a majority of the members elect of the  
12 township board, adopt ordinances regulating the public health,  
13 safety, and general welfare of persons and property, INCLUDING,  
14 BUT NOT LIMITED TO fire protection, ~~the~~ licensing or use of  
15 bicycles, traffic and parking of vehicles, sidewalk maintenance  
16 and repairs, the licensing of business establishments, AND the  
17 licensing and regulating of ~~hawkers, vendors, peddlers, solici-~~  
18 ~~tors, pawnbrokers, circuses, carnivals, and~~ public amusements,  
19 and provide penalties for the violation of the ~~regulations, and~~  
20 ORDINANCES. THE TOWNSHIP shall enforce ~~the same~~ THE ORDINANCES  
21 and may ~~for that purpose~~ employ and establish a police depart-  
22 ment with full power to enforce ~~local~~ township ordinances and  
23 state laws. ~~, and in the event~~ IF state laws are to be  
24 enforced, a township shall have a law enforcement unit ~~composed~~  
25 ~~of not less than 1 full time person, the members of which shall~~  
26 ~~have not less than 2 weeks prior police work experience or its~~  
27 ~~equivalent as approved by the township board or may~~ SHALL by

1 resolution appropriate funds and call upon the sheriff of the  
2 county in which the township is located to provide special police  
3 protection for the township. The sheriff shall, ~~when~~ IF called  
4 upon, provide special police protection for the township and  
5 enforce ~~all~~ local township ordinances, to the extent that town-  
6 ship funds are appropriated for the enforcement. Special town-  
7 ship deputies appointed by the sheriff shall be under the juris-  
8 diction of and solely responsible to the sheriff. Ordinances  
9 regulating traffic and parking of vehicles and bicycles shall not  
10 be in contravention of THE MICHIGAN VEHICLE CODE, Act No. 300 of  
11 the Public Acts of 1949, as amended, being sections 257.1 to  
12 257.923 of the Michigan Compiled Laws.

13 (2) Ordinances enacted may apply to ~~the~~ streets, roads,  
14 highways, or portions of the township ~~as shall be~~ determined by  
15 the TOWNSHIP board ~~or~~ or may be limited to specified platted  
16 lands within the township, and with respect ~~thereto~~ TO THESE  
17 LANDS shall be valid and enforceable whether the roads and  
18 streets ~~therein~~ have been dedicated to public use or not.  
19 Township boards of townships enacting ordinances under this sec-  
20 tion may accept contributions from duly constituted representa-  
21 tives of the platted lands benefited by the ordinances, to defray  
22 ~~all~~ administrative and enforcement costs incident to the enact-  
23 ment of ordinances.

24 SEC. 4. (1) A TOWNSHIP ORDINANCE SHALL CONTAIN A PROVISION  
25 STATING WHEN THE ORDINANCE SHALL TAKE EFFECT.

26 (2) EXCEPT AS PROVIDED IN SECTION 22 OF ACT NO. 359 OF THE  
27 PUBLIC ACTS OF 1947, BEING SECTION 42.22 OF THE MICHIGAN COMPILED

1 LAWS, AND SECTION 11 OF THE TOWNSHIP RURAL ZONING ACT, ACT  
2 NO. 184 OF THE PUBLIC ACTS OF 1943, BEING SECTION 125.281 OF THE  
3 MICHIGAN COMPILED LAWS, A TOWNSHIP ORDINANCE SHALL TAKE EFFECT AS  
4 FOLLOWS:

5 (A) IF AN ORDINANCE IMPOSES A PENALTY FOR THE VIOLATION OF  
6 THE ORDINANCE, THE ORDINANCE SHALL TAKE EFFECT 30 DAYS AFTER THE  
7 FIRST PUBLICATION OF THE ORDINANCE.

8 (B) IF AN ORDINANCE DOES NOT IMPOSE A PENALTY FOR THE VIOLA-  
9 TION OF THE ORDINANCE, THE ORDINANCE SHALL TAKE EFFECT THE DAY  
10 FOLLOWING THE DATE OF THE PUBLICATION OF THE ORDINANCE OR ANY  
11 DATE FOLLOWING PUBLICATION SPECIFIED IN THE ORDINANCE.

12 (3) PUBLICATION OF THE ORDINANCE SHALL BE MADE WITHIN 30  
13 DAYS AFTER THE PASSAGE OF THE ORDINANCE BY INSERTING EITHER A  
14 TRUE COPY OR A SUMMARY OF THE ORDINANCE ONCE IN A NEWSPAPER CIR-  
15 CULATING WITHIN THE TOWNSHIP. A SUMMARY OF AN ORDINANCE MAY BE  
16 DRAFTED BY THE SAME PERSON THAT DRAFTED THE ORDINANCE OR BY THE  
17 TOWNSHIP BOARD OR TOWNSHIP ZONING BOARD AND SHALL BE WRITTEN IN  
18 CLEAR AND NONTECHNICAL LANGUAGE. EACH SECTION OF AN ORDINANCE OR  
19 A SUMMARY OF AN ORDINANCE SHALL BE PRECEDED BY A CATCH LINE.

20 (4) IF A SUMMARY OF AN ORDINANCE IS PUBLISHED, THE TOWNSHIP  
21 SHALL INCLUDE IN THE PUBLICATION THE DESIGNATION OF A LOCATION IN  
22 THE TOWNSHIP WHERE A TRUE COPY OF THE ORDINANCE CAN BE INSPECTED  
23 OR OBTAINED.

24 (5) A PENALTY IMPOSED BY AN ORDINANCE SHALL NOT EXCEED THE  
25 PENALTY IMPOSED BY THE GENERAL LAW FOR A MISDEMEANOR.

26 SEC. 5. (1) WITHIN 1 WEEK AFTER THE FIRST PUBLICATION OF AN  
27 ORDINANCE AS PROVIDED IN SECTION 4, THE TOWNSHIP CLERK SHALL

1 RECORD THE ORDINANCE IN A BOOK OF ORDINANCES KEPT BY HIM OR HER  
2 FOR THAT PURPOSE; RECORD THE DATE OF THE PASSAGE OF THE ORDI-  
3 NANCE, THE NAMES OF THE MEMBERS OF THE TOWNSHIP BOARD VOTING, AND  
4 HOW EACH MEMBER VOTED; AND FILE AN ATTESTED COPY OF THE ORDINANCE  
5 WITH THE COUNTY CLERK. THE TOWNSHIP CLERK SHALL CERTIFY UNDER  
6 THE ORDINANCE IN A BLANK SPACE PROVIDED THE DATE OR DATES OF PUB-  
7 LICATION OF THE ORDINANCE, THE NAME OF THE NEWSPAPER IN WHICH  
8 PUBLICATION WAS MADE, AND THE DATE OF FILING WITH THE COUNTY  
9 CLERK.

10 (2) THE COUNTY CLERK SHALL MAINTAIN SEPARATE FILES FOR THE  
11 ORDINANCES OF EACH TOWNSHIP IN THE COUNTY AND MAKE THE FILES  
12 READILY AVAILABLE TO THE PUBLIC.

13 (3) THE PROVISIONS OF THIS SECTION WITH REGARD TO FILING  
14 WITH THE COUNTY CLERK SHALL NOT APPLY TO A TOWNSHIP THAT MAIN-  
15 TAINS A TOWNSHIP OFFICE OPEN TO THE PUBLIC DURING REGULAR HOURS  
16 ON EACH BUSINESS DAY.

17 (4) THE COUNTY CLERK MAY CHARGE A REASONABLE FEE FOR THE  
18 REPRODUCTION OR FURNISHING OF A COPY OF AN ORDINANCE.

19 SEC. 6. EACH TOWNSHIP MAY CODIFY, RECODIFY, AND CONTINUE IN  
20 CODE ITS ORDINANCES, IN WHOLE OR IN PART, WITHOUT THE NECESSITY  
21 OF PUBLISHING THE ENTIRE CODE IN FULL. THE ORDINANCE ADOPTING  
22 THE CODE, AS WELL AS SUBSEQUENT ORDINANCES REPEALING, AMENDING,  
23 CONTINUING, OR ADDING TO THE CODE, SHALL BE PUBLISHED AS REQUIRED  
24 BY LAW. THE ORDINANCE ADOPTING THE CODE MAY AMEND, REPEAL,  
25 REVISE, OR REARRANGE ORDINANCES OR PARTS OF ORDINANCES BY REFER-  
26 ENCE BY TITLE ONLY.

1        SEC. 7. THE TOWNSHIP BOARD OF A TOWNSHIP MAY EMPLOY AN  
2 ATTORNEY TO REPRESENT THE TOWNSHIP IN CIVIL MATTERS AND IN THE  
3 PROSECUTION OF VIOLATIONS OF TOWNSHIP ORDINANCES. THE ATTORNEY  
4 SHALL RECEIVE THE COMPENSATION DETERMINED BY THE TOWNSHIP BOARD.  
5 IN PROSECUTION OF A VIOLATION OF A TOWNSHIP ORDINANCE, THE TOWN-  
6 SHIP ATTORNEY SHALL COUNTERSIGN THE CERTIFICATES OF JURORS AND  
7 WITNESSES.

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

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

12        (b) Act No. 191 of the Public Acts of 1939, being sections  
13 41.191 to 41.192 of the Michigan Compiled Laws.

14        (c) Act No. 144 of the Public Acts of 1969, being section  
15 41.641 of the Michigan Compiled Laws.

16        (d) Act No. 97 of the Public Acts of 1954, being section  
17 41.661 of the Michigan Compiled Laws.