

# SENATE BILL No. 105

February 7, 1989, Introduced by Senators V. SMITH and  
CROPSEY and referred to the Committee on Local  
Government and Veterans.

A bill to amend the title and section 3 of Act No. 33 of the  
Public Acts of 1951, entitled as amended

"An act to provide fire protection for townships, and for certain areas in townships and incorporated villages and for cities under 15,000 population; to authorize contracting for fire protection; to authorize the purchase of fire extinguishing apparatus and equipment, and the maintenance and operation thereof; to provide for defraying the cost thereof; to authorize the creation of special assessment districts, and for the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessment taxes, to advance the amount necessary to pay such bonds, and providing for reimbursement for such advances by reassessment if necessary; to authorize the creation of joint fire administrative boards and to prescribe their powers and duties; and to repeal certain acts and parts of acts,"

being section 41.803 of the Michigan Compiled Laws; to add sections 12, 13, 14, 15, 16, and 17; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 3 of Act No. 33 of the  
2 Public Acts of 1951, being section 41.803 of the Michigan  
3 Compiled Laws, is amended and sections 12, 13, 14, 15, 16, and 17  
4 are added to read as follows:

5 TITLE

6 An act to provide POLICE AND fire protection for townships,  
7 and for certain areas in townships, ~~and~~ CERTAIN incorporated  
8 villages, and ~~for~~ cities under 15,000 population; to authorize  
9 contracting for fire protection; to authorize the purchase of  
10 fire ~~extinguishing apparatus~~ and POLICE equipment, and the  
11 maintenance and operation ~~thereof~~ OF THE EQUIPMENT; to provide  
12 for defraying the cost ~~thereof~~ OF THE EQUIPMENT; to authorize  
13 the creation of special assessment districts, and ~~for~~ the levy-  
14 ing and collecting of special assessments; to authorize the issu-  
15 ance of special assessment bonds in anticipation of the collec-  
16 tion of special ~~assessment taxes~~ ASSESSMENTS, to advance the  
17 amount necessary to pay such bonds, and ~~providing~~ TO PROVIDE  
18 for reimbursement for such advances by reassessment if necessary;  
19 to authorize the creation of ~~joint fire~~ administrative boards  
20 and to prescribe their powers and duties; TO PROVIDE FOR THE  
21 APPOINTMENT OF TRAFFIC OFFICERS AND TO PRESCRIBE THEIR POWERS AND  
22 DUTIES; and to repeal certain acts and parts of acts.

23 Sec. 3. (1) ~~All proceedings~~ PROCEEDINGS relating to the  
24 making, levying, and collection of special assessments ~~herein~~  
25 authorized BY THIS ACT and the issuing of bonds, except as  
26 ~~herein~~ otherwise ~~specifically~~ provided IN THIS ACT, shall  
27 conform as near as ~~may be~~ PRACTICABLE to proceedings provided

1 for ~~villages for like purposes as set forth~~ in Act No. ~~3~~ 188  
2 of the Public Acts of ~~1895~~ 1954, as amended, being sections  
3 ~~61.1 to 75.12~~ 41.721 TO 41.738 of the MICHIGAN Compiled Laws,  
4 ~~of 1948,~~ except that special assessments may be paid in ~~such~~  
5 A number of equal annual installments not exceeding 15 ~~—~~ as the  
6 board may determine.

7 (2) The township board, ~~when~~ IF authorized by a majority  
8 vote of the electors voting, ~~thereon may,~~ at the time of issu-  
9 ance, MAY pledge the full faith and credit of the township for  
10 the payment of ~~such~~ special assessment bonds, ~~—~~ and if ~~any~~  
11 A special assessment fund is insufficient to pay ~~such~~ THE bonds  
12 and interest when due, the township board shall advance the  
13 amount necessary to pay ~~such~~ THE bonds, and shall be reimbursed  
14 from ~~such~~ THE assessments when collected, or by reassessment of  
15 the deficiency against ~~such~~ THE special assessment district, if  
16 necessary.

17 SEC. 12. (1) THE TOWNSHIP BOARD OF A TOWNSHIP, OR THE TOWN-  
18 SHIP BOARDS OF ADJOINING TOWNSHIPS ACTING JOINTLY, WHETHER OR NOT  
19 THE TOWNSHIPS ARE LOCATED IN THE SAME COUNTY, MAY PURCHASE POLICE  
20 AND FIRE MOTOR VEHICLES, APPARATUS, EQUIPMENT, AND HOUSING AND  
21 MAY PROVIDE BY RESOLUTION FOR THE APPROPRIATION OF GENERAL OR  
22 CONTINGENT FUNDS IN AN AMOUNT THAT IN ANY 1 YEAR SHALL NOT EXCEED  
23 10 MILLS OF THE ASSESSED VALUATION OF THE AREA IN THEIR RESPEC-  
24 TIVE TOWNSHIPS FOR WHICH POLICE AND FIRE PROTECTION IS TO BE  
25 FURNISHED.

26 (2) THE TOWNSHIP BOARD OF A TOWNSHIP, OR THE TOWNSHIP BOARDS  
27 OF ADJOINING TOWNSHIPS ACTING JOINTLY, WHETHER OR NOT THE

1 TOWNSHIPS ARE LOCATED IN THE SAME COUNTY, MAY PROVIDE ANNUALLY BY  
2 RESOLUTION FOR THE APPROPRIATION OF GENERAL OR CONTINGENT FUNDS  
3 FOR THE PURPOSE OF MAINTENANCE AND OPERATION OF POLICE AND FIRE  
4 DEPARTMENTS.

5 (3) THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY,  
6 MAY PROVIDE THAT ALL OR ANY PART OF THE SUMS DESCRIBED IN SUBSEC-  
7 TION (2) FOR PURCHASING AND HOUSING OF EQUIPMENT OR THE OPERATION  
8 OF THE EQUIPMENT, OR BOTH, MAY BE DEFRAIDED BY SPECIAL ASSESSMENT  
9 ON ALL OF THE LANDS AND PREMISES IN THE TOWNSHIP OR TOWNSHIPS TO  
10 BE BENEFITED. THE QUESTION OF RAISING MONEY BY SPECIAL ASSESS-  
11 MENT MAY BE SUBMITTED TO THE ELECTORS OF THE TOWNSHIP OR TOWN-  
12 SHIPS BY THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY,  
13 AT A GENERAL ELECTION OR SPECIAL ELECTION CALLED FOR THAT PURPOSE  
14 BY THE TOWNSHIP BOARD, OR THE TOWNSHIP BOARDS. THE QUESTION OF  
15 RAISING MONEY BY SPECIAL ASSESSMENT SHALL BE SUBMITTED BY THE  
16 TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY, IF IN THE  
17 AFFECTED TOWNSHIP, OR IN EACH OF THE AFFECTED TOWNSHIPS, 10% OF  
18 THE OWNERS OF THE LAND TO BE MADE INTO A SPECIAL ASSESSMENT DIS-  
19 TRICT PETITION THE TOWNSHIP BOARD OR BOARDS.

20 (4) IF A SPECIAL ASSESSMENT DISTRICT IS PROPOSED UNDER  
21 SUBSECTION (3), THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING  
22 JOINTLY, SHALL ESTIMATE THE COST AND EXPENSES OF POLICE AND FIRE  
23 MOTOR VEHICLES, APPARATUS, EQUIPMENT, AND HOUSING AND POLICE AND  
24 FIRE PROTECTION, AND FIX A DAY FOR A HEARING ON THE ESTIMATE AND  
25 ON THE QUESTION OF CREATING A SPECIAL ASSESSMENT DISTRICT AND  
26 DEFRAIDING THE EXPENSES OF THE SPECIAL ASSESSMENT DISTRICT BY  
27 SPECIAL ASSESSMENT UPON THE PROPERTY TO BE ESPECIALLY BENEFITED.

1 THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY, SHALL  
2 PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION IN THE PROPOSED  
3 DISTRICT A NOTICE STATING THE TIME, PLACE, AND PURPOSE OF THE  
4 MEETING. IF THERE IS NOT A NEWSPAPER OF GENERAL CIRCULATION IN  
5 THE PROPOSED DISTRICT, THEN NOTICES SHALL BE POSTED IN AT LEAST 3  
6 OF THE MOST PUBLIC PLACES IN THE PROPOSED DISTRICT. THE NOTICE  
7 SHALL BE PUBLISHED OR POSTED AT LEAST 5 DAYS BEFORE THE DAY OF  
8 HEARING. ON THE DAY APPOINTED FOR THE HEARING, THE TOWNSHIP  
9 BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY, SHALL BE IN SESSION  
10 FROM AT LEAST 7 P.M. TO 9 P.M. TO HEAR OBJECTIONS WHICH MAY BE  
11 OFFERED AGAINST THE ESTIMATE AND THE CREATION OF THE SPECIAL  
12 ASSESSMENT DISTRICT. IF THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS  
13 ACTING JOINTLY, DETERMINE TO CREATE THE DISTRICT, THEY SHALL  
14 DETERMINE THE BOUNDARIES OF THE DISTRICT BY RESOLUTION, DETERMINE  
15 THE AMOUNT OF THE SPECIAL ASSESSMENT LEVY, AND DIRECT THE SUPER-  
16 VISOR OR SUPERVISORS TO DISTRIBUTE THE LEVY UPON ALL OF THE LANDS  
17 AND PREMISES IN THE DISTRICT WHICH ARE TO BE ESPECIALLY BENEFITED  
18 BY THE POLICE AND FIRE PROTECTION, ACCORDING TO BENEFITS  
19 RECEIVED, TO DEFRAY THE EXPENSES OF POLICE AND FIRE PROTECTION.  
20 THE TOWNSHIP BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY, SHALL HOLD  
21 A HEARING ON OBJECTIONS TO THE DISTRIBUTION OF THE SPECIAL  
22 ASSESSMENT LEVY. THIS HEARING SHALL BE HELD IN THE SAME MANNER  
23 AND WITH LIKE NOTICE AS PROVIDED IN THIS SECTION. THE TOWNSHIP  
24 BOARD, OR TOWNSHIP BOARDS ACTING JOINTLY, SHALL THEREAFTER ANNU-  
25 ALLY DETERMINE THE AMOUNT TO BE ASSESSED IN THE DISTRICT FOR  
26 POLICE AND FIRE PROTECTION, SHALL DIRECT THE SUPERVISOR OR  
27 SUPERVISORS TO DISTRIBUTE THE SPECIAL ASSESSMENT LEVY, AND SHALL

1 HOLD A HEARING ON THE ESTIMATED COSTS AND EXPENSES OF POLICE AND  
2 FIRE PROTECTION AND ON THE DISTRIBUTION OF THE LEVY. THE ASSESS-  
3 MENT MAY BE MADE EITHER IN A SPECIAL ASSESSMENT ROLL OR IN A  
4 COLUMN PROVIDED IN THE REGULAR TAX ROLL. THE ASSESSMENT SHALL BE  
5 DISTRIBUTED AND SHALL BECOME DUE AND BE COLLECTED AT THE SAME  
6 TIME AS OTHER TOWNSHIP TAXES ARE ASSESSED, LEVIED, AND COLLECTED,  
7 AND SHALL BE RETURNED IN THE SAME MANNER FOR NONPAYMENT.  
8 HOWEVER, IF THE COLLECTIONS RECEIVED FROM THE SPECIAL ASSESSMENT  
9 LEVIED UNDER THIS ACT TO DEFRAY THE COST OR PORTION INTENDED TO  
10 BE DEFRAYED FOR POLICE AND FIRE PROTECTION ARE, AT ANY TIME,  
11 INSUFFICIENT TO MEET THE OBLIGATIONS OR EXPENSES INCURRED FOR THE  
12 MAINTENANCE AND OPERATION OF THE POLICE AND FIRE DEPARTMENTS, THE  
13 TOWNSHIP BOARD OF THE TOWNSHIP, OR TOWNSHIP BOARDS ACTING JOINT-  
14 LY, MAY, BY RESOLUTION, AUTHORIZE THE TRANSFER OR LOAN OF SUFFI-  
15 CIENT MONEY FROM THE GENERAL FUND OF THE TOWNSHIP OR TOWNSHIPS,  
16 TO THE SPECIAL ASSESSMENT POLICE AND FIRE DEPARTMENT FUND. THIS  
17 MONEY SHALL BE REPAID TO THE GENERAL FUND OF THE TOWNSHIP OR  
18 TOWNSHIPS OUT OF SPECIAL ASSESSMENT FUNDS WHEN COLLECTED.

19 (5) THE POWERS GRANTED BY THIS SECTION WITH RESPECT TO  
20 POLICE AND FIRE PROTECTION MAY BE EXERCISED WITH RESPECT TO  
21 POLICE PROTECTION ALONE, FIRE PROTECTION ALONE, OR POLICE AND  
22 FIRE PROTECTION IN COMBINATION.

23 SEC. 13. AFTER THE CREATION OF A SPECIAL ASSESSMENT DIS-  
24 TRICT UNDER SECTION 12, THE TOWNSHIP BOARD OF A TOWNSHIP OR THE  
25 TOWNSHIP BOARDS OF ADJOINING TOWNSHIPS ACTING JOINTLY, MAY APPRO-  
26 PRIATE ANNUALLY THAT SUM NECESSARY FOR THE MAINTENANCE AND  
27 OPERATION OF THE POLICE AND FIRE DEPARTMENTS.

1        SEC. 14. ALL PROCEEDINGS RELATING TO THE MAKING, LEVYING,  
2 AND COLLECTION OF SPECIAL ASSESSMENTS AUTHORIZED BY SECTION 12  
3 AND THE ISSUING OF BONDS, EXCEPT AS OTHERWISE PROVIDED IN THIS  
4 ACT, SHALL CONFORM AS NEAR AS PRACTICABLE TO PROCEEDINGS PROVIDED  
5 FOR VILLAGES FOR LIKE PURPOSES AS PROVIDED IN THE MUNICIPAL  
6 FINANCE ACT, ACT NO. 202 OF THE PUBLIC ACTS OF 1943, BEING SEC-  
7 TIONS 131.1 TO 139.3 OF THE MICHIGAN COMPILED LAWS.

8        SEC. 15. THE TOWNSHIP BOARD OF A TOWNSHIP OR THE TOWNSHIP  
9 BOARDS OF ADJOINING TOWNSHIPS, ACTING JOINTLY, IF APPROPRIATIONS  
10 HAVE BEEN MADE AS PROVIDED IN THIS ACT, MAY ESTABLISH AND MAIN-  
11 TAIN POLICE AND FIRE DEPARTMENTS; ORGANIZE AND MAINTAIN POLICE  
12 AND FIRE VEHICLES; EMPLOY AND APPOINT A CHIEF OF POLICE AND OTHER  
13 POLICE OFFICERS AND DETECTIVES THAT ARE REQUIRED FOR THE PROPER  
14 AND EFFICIENT OPERATION AND MAINTENANCE OF THE POLICE DEPARTMENT  
15 AND PROPER LAW ENFORCEMENT; ESTABLISH RULES AND REGULATIONS FOR  
16 THE GOVERNMENT OF THE POLICE AND FIRE DEPARTMENTS, EMPLOYEES,  
17 OFFICERS, AND DETECTIVES OF THE POLICE AND FIRE DEPARTMENTS; CARE  
18 AND MANAGE THE MOTOR VEHICLES, EQUIPMENT, PROPERTY, AND BUILDINGS  
19 PERTAINING TO THE POLICE AND FIRE DEPARTMENTS; AND PRESCRIBE THE  
20 POWERS AND DUTIES OF THESE EMPLOYEES, OFFICERS, AND DETECTIVES.  
21 ANY OF THE POWERS PROVIDED IN THIS SECTION, AT THE DISCRETION OF  
22 THE TOWNSHIP BOARD, MAY BE DELEGATED TO A POLICE OR FIRE OR  
23 POLICE AND FIRE ADMINISTRATIVE BOARD ESTABLISHED ACCORDING TO  
24 LAW.

25        SEC. 16. (1) THE TOWNSHIP BOARD OF A TOWNSHIP HAVING AN  
26 ORGANIZED POLICE OR FIRE DEPARTMENT, OR BOTH, MAY, IN ITS  
27 DISCRETION, CREATE A POLICE ADMINISTRATIVE BOARD, A FIRE

1 ADMINISTRATIVE BOARD, OR A POLICE AND FIRE ADMINISTRATIVE BOARD.  
2 THE BOARD SHALL CONSIST OF 5 MEMBERS, WHO SHALL BE APPOINTED BY  
3 THE TOWNSHIP BOARD FOR TERMS OF 6 YEARS EACH. HOWEVER, OF THE  
4 MEMBERS FIRST APPOINTED, 2 SHALL BE APPOINTED FOR TERMS EXPIRING  
5 ON JUNE 30 OF THE EVEN NUMBERED YEAR FOLLOWING THE CREATION OF  
6 THE BOARD, 2 SHALL BE APPOINTED FOR TERMS EXPIRING ON JUNE 30 OF  
7 THE SECOND YEAR FOLLOWING THE EXPIRATION OF THE TERMS OF THE  
8 FIRST 2 MEMBERS, AND 1 MEMBER SHALL BE APPOINTED FOR A TERM  
9 EXPIRING JUNE 30 OF THE FOURTH YEAR FOLLOWING THE EXPIRATION OF  
10 THE TERMS OF THE FIRST 2 MEMBERS. A MEMBER OF THE BOARD SHALL  
11 NOT BE A MEMBER OF THE POLICE OR FIRE DEPARTMENT OF THE  
12 TOWNSHIP. THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSA-  
13 TION BUT SHALL BE ENTITLED TO ACTUAL AND NECESSARY EXPENSES  
14 APPROVED BY THE TOWNSHIP BOARD INCURRED IN THE PERFORMANCE OF  
15 OFFICIAL DUTIES. A VACANCY SHALL BE FILLED BY THE TOWNSHIP BOARD  
16 FOR THE UNEXPIRED TERM.

17 (2) A POLICE ADMINISTRATIVE BOARD, A FIRE ADMINISTRATIVE  
18 BOARD, OR A POLICE AND FIRE ADMINISTRATIVE BOARD CREATED UNDER  
19 ACT NO. 57 OF THE PUBLIC ACTS OF 1951, BEING SECTIONS 41.751 TO  
20 41.753 OF THE MICHIGAN COMPILED LAWS, SHALL BE CONTINUED UNDER  
21 AND GOVERNED BY THIS ACT.

22 (3) AN ADMINISTRATIVE BOARD CREATED UNDER THIS SECTION SHALL  
23 PREPARE AN ANNUAL POLICE OR FIRE DEPARTMENT BUDGET, OR BOTH, TO  
24 BE SUBMITTED TO THE TOWNSHIP BOARD. THE BUDGET SHALL BE REVIEWED  
25 BY THE TOWNSHIP BOARD AND MAY BE AMENDED OR ALTERED IN ANY  
26 MANNER. UPON ADOPTION BY THE TOWNSHIP BOARD, THE BUDGET SHALL BE  
27 THE BUDGET OF THE ADMINISTRATIVE BOARD FOR THE ENSUING FISCAL



1 YEAR OF THE TOWNSHIP. THE ADMINISTRATIVE BOARD CREATED UNDER  
2 THIS SECTION SHALL HAVE THE POWERS AND PERFORM THE FUNCTIONS THAT  
3 THE TOWNSHIP BOARD IN ITS DISCRETION DELEGATES TO THE ADMINISTRA-  
4 TIVE BOARD.

5 (4) THIS SECTION IS SUPPLEMENTAL TO THE OTHER LAWS OF THIS  
6 STATE.

7 SEC. 17. THE TOWNSHIP BOARD OF A TOWNSHIP MAY, BY A MAJOR-  
8 ITY VOTE OF THE TOWNSHIP BOARD AT A REGULAR OR A SPECIAL MEETING  
9 CALLED FOR THAT PURPOSE, PROVIDE FOR THE EMPLOYMENT OF 1 OR MORE  
10 TRAFFIC OFFICERS IN THE TOWNSHIP. THE COMPENSATION OF THE OFFI-  
11 CER OR OFFICERS SHALL BE PAID FROM THE GENERAL FUND OF THE  
12 TOWNSHIP. HOWEVER, 2 OR MORE TOWNSHIPS MAY, BY A MAJORITY VOTE  
13 OF ALL THE TOWNSHIP BOARDS, APPOINT A TRAFFIC OFFICER AT A JOINT  
14 MEETING OF THESE TOWNSHIP BOARDS HELD FOR THAT PURPOSE, AND THE  
15 PROPORTION OF THE COMPENSATION OF THE TRAFFIC OFFICER OR OFFICERS  
16 TO BE PAID BY EACH OF THE TOWNSHIPS SHALL BE DETERMINED AT THIS  
17 JOINT MEETING.

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

20 (a) Act No. 57 of the Public Acts of 1951, being sections  
21 41.751 to 41.753 of the Michigan Compiled Laws.

22 (b) Act No. 181 of the Public Acts of 1951, being sections  
23 41.851 to 41.856 of the Michigan Compiled Laws.

24 (c) Act No. 50 of the Public Acts of 1919, being sections  
25 41.201 to 41.202 of the Michigan Compiled Laws.