

HOUSE BILL No. 5678

June 12, 2014, Introduced by Reps. O'Brien, Lyons, Haines, LaFontaine, Foster, Lori, Poleski, Price, Zorn, Forlini, Kowall, Pagel, Rogers, Muxlow, Yonker, Crawford, Glardon, Pettalia, Victory, Somerville, Franz, Kelly, Kesto, Pscholka, Cotter, Walsh, Jenkins, Kurtz, Rendon, Jacobsen, Olumba, Heise, Santana, Denby, Callton and Bumstead and referred to the Committee on Judiciary.

A bill to amend 1945 PA 246, entitled

"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 certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,"

by amending section 1 (MCL 41.181), as amended by 2012 PA 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1. (1) The township board of a township, at a regular or
- 2 special meeting by a majority of the members elect of the township
- 3 board, may adopt ordinances regulating the public health, safety,
- 4 and general welfare of persons and property, including, but not
- 5 limited to, ordinances concerning fire protection, licensing or use

1 of bicycles, traffic, parking of vehicles, sidewalk maintenance and
2 repairs, the licensing of business establishments, the licensing
3 and regulating of public amusements, and the regulation or
4 prohibition of public nudity, and may provide sanctions for the
5 violation of the ordinances. The township shall enforce the
6 ordinances and may employ and establish a police department with
7 full power to enforce township ordinances and state laws. If state
8 laws are to be enforced, a township shall have a law enforcement
9 unit or may by resolution appropriate funds and call upon the
10 sheriff of the county in which the township is located, the
11 department of state police, or another law enforcement agency to
12 provide special police protection for the township. The sheriff,
13 department of state police, or other local law enforcement agency
14 shall, if called upon, provide special police protection for the
15 township and enforce local township ordinances to the extent that
16 township funds are appropriated for the enforcement. Special
17 township deputies appointed by the sheriff shall be under the
18 jurisdiction of and solely responsible to the sheriff. Ordinances
19 regulating traffic and parking of vehicles and bicycles shall not
20 contravene the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
21 257.923.

22 (2) Ordinances enacted may apply to streets, roads, highways,
23 or portions of the township determined by the township board or may
24 be limited to specified platted lands within the township, and with
25 respect to these lands shall be valid and enforceable whether the
26 roads and streets have been dedicated to public use or not.

27 Township boards of townships enacting ordinances under this section

1 may accept contributions from duly constituted representatives of
2 the platted lands benefited by the ordinances to defray
3 administrative and enforcement costs incident to the enactment of
4 ordinances.

5 (3) A township may adopt a provision of any state statute for
6 which the maximum period of imprisonment is 93 days or the Michigan
7 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, by reference in an
8 adopting ordinance, which statute shall be clearly identified in
9 the adopting ordinance. Except as otherwise provided in this
10 subsection, a township shall not enforce any provision adopted by
11 reference for which the maximum period of imprisonment is greater
12 than 93 days. A township may adopt section 625(1)(c) of the
13 Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an
14 adopting ordinance and shall provide that a violation of that
15 ordinance is a misdemeanor punishable by 1 or more of the
16 following:

17 (a) Community service for not more than 360 hours.

18 (b) Imprisonment for not more than 180 days.

19 (c) A fine of not less than \$200.00 or more than \$700.00.

20 (4) As used in this section, "public nudity" means knowingly
21 or intentionally displaying in a public place, or for payment or
22 promise of payment by any person including, but not limited to,
23 payment or promise of payment of an admission fee, any individual's
24 genitals or anus with less than a fully opaque covering, or a
25 female individual's breast with less than a fully opaque covering
26 of the nipple and areola. Public nudity does not include any of the
27 following:

1 (a) A woman's breastfeeding of a baby **OR EXPRESSING BREAST**
2 **MILK REGARDLESS OF** whether or not ~~the~~**HER** nipple or areola is
3 ~~exposed~~**VISIBLE** during or incidental to the feeding.**BREASTFEEDING**
4 **OR EXPRESSING OF BREAST MILK.**

5 (b) Material as defined in section 2 of 1984 PA 343, MCL
6 752.362.

7 (c) Sexually explicit visual material as defined in section 3
8 of 1978 PA 33, MCL 722.673.

9 Enacting section 1. This amendatory act does not take effect
10 unless all of the following bills of the 97th Legislature are
11 enacted into law:

12 (a) Senate Bill No.____ or House Bill No. 5681 (request no.
13 05696'14).

14 (b) Senate Bill No.____ or House Bill No. 5679 (request no.
15 05697'14).

16 (c) Senate Bill No.____ or House Bill No. 5680 (request no.
17 05698'14).