

# HOUSE BILL No. 5928

June 10, 1992, Introduced by Reps. Randall and Gnodtke and referred to the Committee on Towns and Counties.

A bill to amend section 4 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 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 penalties; and to repeal all acts and parts of acts in conflict therewith,"

as added by Act No. 78 of the Public Acts of 1989, being section 41.184 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 4 of Act No. 246 of the Public Acts of  
2 1945, as added by Act No. 78 of the Public Acts of 1989, being  
3 section 41.184 of the Michigan Compiled Laws, is amended to read  
4 as follows:

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

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

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

12       (b) If an ordinance does not impose a penalty for the viola-  
13 tion of the ordinance, the ordinance shall take effect the day  
14 following the date of the publication of the ordinance or any  
15 date following publication specified in the ordinance.

16       (3) ~~Publication of the ordinance shall be made within 30~~  
17 ~~days after the passage of the ordinance by inserting either a~~  
18 ~~true copy or a summary of the ordinance once in a newspaper cir-~~  
19 ~~culating within the township. A summary of an ordinance may be~~  
20 ~~drafted by the same person that drafted the ordinance or by the~~  
21 ~~township board or township zoning board and shall be written in~~  
22 ~~clear and nontechnical language. Each section of an ordinance or~~  
23 ~~a summary of an ordinance shall be preceded by a catch line. A~~  
24 TOWNSHIP BOARD THAT PROPOSES TO ENACT A TOWNSHIP ORDINANCE SHALL  
25 PUBLISH A NOTICE DESCRIBED IN SUBSECTION (5) IN 2 CONSECUTIVE  
26 EDITIONS OF A DESIGNATED NEWSPAPER. THE TOWNSHIP BOARD SHALL

1 ENSURE THAT EACH NOTICE IS PUBLISHED NO LATER THAN EITHER OF THE  
2 FOLLOWING:

3 (A) AT LEAST 14 DAYS BEFORE THE FIRST PUBLIC HEARING ON THE  
4 PROPOSED ORDINANCE.

5 (B) AT LEAST 8 DAYS BEFORE A PUBLIC HEARING, IF ANY, ON THE  
6 PROPOSED ORDINANCE THAT IS SUBSEQUENT TO THE FIRST PUBLIC  
7 HEARING.

8 ~~(4) If a summary of an ordinance is published, the township~~  
9 ~~shall include in the publication the designation of a location in~~  
10 ~~the township where a true copy of the ordinance can be inspected~~  
11 ~~or obtained.~~ A TOWNSHIP BOARD THAT ENACTS OR AMENDS A TOWNSHIP  
12 ORDINANCE SHALL PUBLISH A NOTICE DESCRIBED IN SUBSECTION (5) IN 2  
13 CONSECUTIVE EDITIONS OF A DESIGNATED NEWSPAPER NOT MORE THAN 10  
14 DAYS AFTER THE ENACTMENT OF OR AMENDMENT TO AN ORDINANCE.

15 (5) A NOTICE REQUIRED UNDER THIS SECTION SHALL BE WRITTEN IN  
16 CLEAR AND NONTECHNICAL LANGUAGE, AND SHALL CONTAIN EACH OF THE  
17 FOLLOWING:

18 (A) A HEADLINE BEARING THE NAME OF THE TOWNSHIP IN AT LEAST  
19 14-POINT PRINT FOLLOWED BY 1 OR MORE OF THE FOLLOWING PHRASES, AS  
20 APPLICABLE, IN AT LEAST 12-POINT PRINT:

21 (i) "NOTICE OF INTENT TO ADOPT ORDINANCE".

22 (ii) "NOTICE OF ADOPTION OF ORDINANCE".

23 (B) THE NUMBER AND SHORT TITLE OF THE PROPOSED OR ENACTED  
24 ORDINANCE.

25 (C) A STATEMENT ADVISING THE PUBLIC THAT A COPY OF A PRO-  
26 POSED OR ADOPTED ORDINANCE IS AVAILABLE UPON WRITTEN, TELEPHONIC,

1 OR PERSONAL REQUEST, WITHOUT CHARGE, AND WITHOUT DISCLOSURE OF  
2 THE REQUESTING PERSON'S IDENTITY OR RESIDENCY.

3 (D) A STATEMENT IDENTIFYING THE TOWNSHIP ADDRESS, TELEPHONE  
4 NUMBER, AND HOURS DURING WHICH A PERSON MAY OBTAIN ADDITIONAL  
5 INFORMATION ABOUT, OR COPIES OF, THE PROPOSED OR ENACTED  
6 ORDINANCE.

7 (E) FOR A PROPOSED ORDINANCE, EACH OF THE FOLLOWING:

8 (i) A STATEMENT PROVIDING THE TIME, DATE, AND PLACE OF THE  
9 PUBLIC HEARING OR HEARINGS ON THE PROPOSAL.

10 (ii) A STATEMENT PROVIDING THAT WRITTEN COMMENTS FROM THE  
11 PUBLIC WILL BE ACCEPTED BY THE TOWNSHIP BOARD AT ANY TIME BEFORE  
12 THE FIRST PUBLIC HEARING ON THE PROPOSAL, AND THAT WRITTEN COM-  
13 MENTS RECEIVED BEFORE THE FIRST PUBLIC HEARING SHALL BE MADE PART  
14 OF THE HEARING RECORD.

15 (iii) A STATEMENT PROVIDING THAT IF A HEARING SUBSEQUENT TO  
16 THE FIRST PUBLIC HEARING IS HELD, WRITTEN COMMENTS WILL BE  
17 ACCEPTED BY THE TOWNSHIP BOARD AT ANY TIME BEFORE THAT SUBSEQUENT  
18 HEARING, AND THOSE ACCEPTED WRITTEN COMMENTS SHALL BE MADE PART  
19 OF THE HEARING RECORD.

20 (iv) A STATEMENT PROVIDING THAT ANY PERSON WISHING TO COM-  
21 MENT VERBALLY ON THE PROPOSAL WILL BE PERMITTED TO DO SO AT THE  
22 FIRST PUBLIC HEARING ON THE PROPOSAL.

23 (F) FOR AN ENACTED ORDINANCE, THE EFFECTIVE DATE OF THE  
24 ORDINANCE.

25 (6) A TOWNSHIP CLERK SHALL DO ALL OF THE FOLLOWING:

1 (A) UPON REQUEST, PROVIDE A COPY OF A PROPOSED OR ENACTED  
2 ORDINANCE TO A PERSON WITHOUT CHARGE AND WITHOUT REQUIRING  
3 DISCLOSURE OF THE PERSON'S IDENTITY.

4 (B) IF A REQUEST UNDER SUBDIVISION (A) IS NOT MADE IN PERSON  
5 OR BY FACSIMILE TRANSMISSION, MAIL WITHOUT CHARGE A COPY OF THE  
6 REQUESTED INFORMATION TO THE REQUESTING PERSON WITHIN 5 DAYS OF  
7 THE REQUEST.

8 (C) IF THE CLERK RECEIVES A REQUEST UNDER SUBDIVISION (A) BY  
9 FACSIMILE MACHINE TRANSMISSION, DELIVER THE REQUESTED INFORMATION  
10 BY FACSIMILE MACHINE TRANSMISSION, UNLESS THE REQUESTING PERSON  
11 SPECIFIES THAT ANOTHER FORM OF DELIVERY AUTHORIZED BY THIS SEC-  
12 TION IS ACCEPTABLE TO THAT PERSON.

13 (D) IF THE TOWNSHIP MAINTAINS A BUSINESS OFFICE, MAKE AVAIL-  
14 ABLE AT THAT OFFICE COPIES OF THE PROPOSED OR ENACTED ORDINANCE.

15 (E) IF THE TOWNSHIP DOES NOT MAINTAIN A BUSINESS OFFICE,  
16 MAKE COPIES OF ALL PROPOSED OR ENACTED ORDINANCES AVAILABLE AT  
17 THE CLERK'S RESIDENCE AND AT LEAST 1 PUBLIC BUILDING WITHIN THE  
18 TOWNSHIP THAT IS OPEN TO THE PUBLIC DURING ORDINARY BUSINESS  
19 HOURS.

20 (7) AS USED IN THIS SECTION, "DESIGNATED NEWSPAPER" MEANS A  
21 NEWSPAPER OF GENERAL CIRCULATION WITHIN THE TOWNSHIP THAT THE  
22 TOWNSHIP BOARD DESIGNATES AS THE OFFICIAL NEWSPAPER FOR ALL TOWN-  
23 SHIP BOARD PUBLIC NOTICES.

24 (8) ~~-(5)-~~ A penalty imposed by an ordinance shall not exceed  
25 the penalty imposed by the general law for a misdemeanor.

1       Section 2. This amendatory act shall not take effect unless  
2 all of the following bills of the 86th Legislature are enacted  
3 into law:

4       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5927  
5 (request no. 05344'92\*).

6       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5929  
7 (request no. 05344'92 b).