

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

**Introduced by Senators Conroy, Schwarz, Arthurhultz, Cherry, Berryman, Stabenow, Honigman, Hart,
Kelly, Koivisto and Faxon**

ENROLLED SENATE BILL No. 350

AN ACT to amend the title and sections 1, 3, and 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," section 1 as amended by Act No. 177 of the Public Acts of 1991 and section 4 as added by Act No. 78 of the Public Acts of 1989, being sections 41.181, 41.183, and 41.184 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. The title and sections 1, 3, and 4 of Act No. 246 of the Public Acts of 1945, section 1 as amended by Act No. 177 of the Public Acts of 1991 and section 4 as added by Act No. 78 of the Public Acts of 1989, being sections 41.181, 41.183, and 41.184 of the Michigan Compiled Laws, are amended 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 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.

Sec. 1. (1) The township board of a township, at a regular or special meeting and by a majority of the members-elect of the township board, may adopt ordinances regulating the public health, safety, and general welfare of persons and property, including, but not limited to, ordinances concerning fire protection, licensing or use of bicycles, traffic, parking of vehicles, sidewalk maintenance and repairs, the licensing of business establishments, the licensing and regulating of public amusements, and the regulation or prohibition of public nudity, and may provide sanctions 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 in which the township is located, the department of state police, or another law enforcement agency 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 are 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.

(3) As used in this section, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering.

Sec. 3. (1) The township board may provide in a township ordinance a sanction for violation of the ordinance. A violation of an ordinance is a municipal civil infraction only if the ordinance explicitly states that a violation is a municipal civil infraction. If the violation of an ordinance is a civil infraction, the ordinance may provide a civil fine for violation of the ordinance. If a violation of the ordinance is not a civil infraction, the ordinance may provide a penalty for violation of the ordinance consisting of a fine not exceeding \$500.00 or imprisonment not exceeding 90 days, or both. As used in this section, "civil infraction" and "municipal civil infraction" mean those terms as defined in section 113 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.113 of the Michigan Compiled Laws.

(2) If the township lies within a district served by 1 or more municipal courts, an action for the violation of a township ordinance shall be instituted in any one of the municipal courts of the district, and in such cases the same right to appeal to the circuit courts exists as in cases of violations of the state law cognizable by the municipal court in which the action is instituted. Fines, penalties, and forfeitures are payable in the same manner and to the same fund as fines for the violation of the laws of the state. Costs shall be paid and reported by the municipal courts in the same manner as is provided for offenses under state law prosecuted in a municipal court. This subsection applies to civil infractions only to the extent not otherwise provided by law.

(3) If the township lies within a district served by the district court, an action for the violation of a township ordinance shall be instituted in the district court, unless the person alleged to have violated the ordinance enters a plea of guilty, admits responsibility, or admits responsibility with explanation before a magistrate, traffic bureau, or municipal ordinance violation bureau as otherwise provided and authorized by law. Fines and costs imposed or assessed in such an action shall be distributed in accordance with section 8379 of Act No. 236 of the Public Acts of 1961, being section 600.8379 of the Michigan Compiled Laws.

Sec. 4. (1) A township ordinance shall contain a provision stating when the ordinance takes 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 sanction 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 sanction 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 designate in the publication the location in the township where a true copy of the ordinance can be inspected or obtained.

Section 2. This amendatory act shall not take effect unless Senate Bill No. 348 of the 87th Legislature is enacted into law.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.