

Act No. 14
Public Acts of 1994
Approved by the Governor
February 23, 1994
Filed with the Secretary of State
February 24, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Conroy

ENROLLED SENATE BILL No. 733

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

(2) Consistent with any of the following statutes the township board may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation

(a) The Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(b) Act No 235 of the Public Acts of 1969 being sections 257 941 to 257 943 of the Michigan Compiled Laws

(c) Act No 62 of the Public Acts of 1956 being sections 257 951 to 257 954 of the Michigan Compiled Laws

(3) Consistent with the marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws the township board may adopt an ordinance that designates a violation of the ordinance as a marine law civil infraction and provides a civil fine for that violation This subsection does not apply unless House Bill No 4639 of the 87th Legislature is enacted into law

(4) The township board may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation An ordinance may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (2) or as a marine law civil infraction under subsection (3) A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction

(5) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following

(a) Article 7 or section 17766a of the public health code Act No 368 of the Public Acts of 1978 being sections 333 7101 to 333 7545 and 333 17766a of the Michigan Compiled Laws

(b) The Michigan penal code Act No 328 of the Public Acts of 1931 being sections 750 1 to 750 568 of the Michigan Compiled Laws

(c) The Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(d) The Michigan liquor control act Act No 8 of the Public Acts of the Extra Session of 1933 being sections 436 1 to 436 58 of the Michigan Compiled Laws

(e) The marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws

(f) The aeronautics code of the state of Michigan Act No 327 of the Public Acts of 1945 being sections 259 1 to 259 208 of the Michigan Compiled Laws

(g) Act No 74 of the Public Acts of 1968 being sections 257 1501 to 257 1518 of the Michigan Compiled Laws

(h) Act No 319 of the Public Acts of 1975 being sections 257 1601 to 257 1626 of the Michigan Compiled Laws

(i) Act No 4 of the Public Acts of 1986 being sections 470 201 to 470 210 of the Michigan Compiled Laws

(j) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days

(6) An ordinance not described in subsection (2) (3) or (4) 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 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 admits responsibility at a parking violations 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 take effect May 1 1994

Section 3 This amendatory act shall not take effect unless Senate Bill No 731 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