



SENATE BILL No. 350

February 9, 1993, Introduced by Senators CONROY, SCHWARZ, ARTHURHULTZ, CHERRY, BERRYMAN, STABENOW, HONIGMAN, HART, KELLY, KOIVISTO and FAXON and referred to the Committee on Local Government and Urban Development.

A bill 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 the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards; 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:

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

1 and 41.184 of the Michigan Compiled Laws, are amended to read as
2 follows:

3 TITLE

4 An act to authorize township boards to adopt ordinances and
5 regulations to secure the public health, safety and general wel-
6 fare; to provide for the establishment of a township police
7 department; to provide for policing of townships by certain law
8 enforcement officers and agencies; to provide for the publication
9 of ordinances; to prescribe powers and duties of township boards
10 and certain local and state officers and agencies; to provide
11 ~~penalties~~ SANCTIONS; and to repeal all acts and parts of acts
12 in conflict ~~therewith~~ WITH THE ACT.

13 Sec. 1. (1) The township board of a township, ~~may,~~ at a
14 regular or special meeting AND by a majority of the members-elect
15 of the township board, MAY adopt ordinances regulating the public
16 health, safety, and general welfare of persons and property,
17 including, but not limited to, ORDINANCES CONCERNING fire protec-
18 tion, licensing or use of bicycles, traffic, ~~and~~ parking of
19 vehicles, sidewalk maintenance and repairs, the licensing of
20 business establishments, the licensing and regulating of public
21 amusements, and the regulation or prohibition of public nudity,
22 and MAY provide ~~penalties~~ SANCTIONS for the violation of the
23 ordinances. The township shall enforce the ordinances and may
24 employ and establish a police department with full power to
25 enforce township ordinances and state laws. If state laws are to
26 be enforced, a township shall have a law enforcement unit or may
27 by resolution appropriate funds and call upon the sheriff of the

1 county in which the township is located, the department of state
2 police, or ~~other~~ ANOTHER law enforcement agency to provide spe-
3 cial police protection for the township. The sheriff, department
4 of state police, or other local law enforcement agency shall, if
5 called upon, provide special police protection for the township
6 and enforce local township ordinances to the extent that township
7 funds are appropriated for the enforcement. Special township
8 deputies appointed by the sheriff shall be under the jurisdiction
9 of and solely responsible to the sheriff. Ordinances regulating
10 traffic and parking of vehicles and bicycles shall not be in
11 contravention of the Michigan vehicle code, Act No. 300 of the
12 Public Acts of 1949, as amended, being sections 257.1 to 257.923
13 of the Michigan Compiled Laws.

14 (2) Ordinances enacted may apply to streets, roads, high-
15 ways, or portions of the township determined by the township
16 board or may be limited to specified platted lands within the
17 township, and with respect to these lands ~~shall be~~ ARE valid
18 and enforceable whether the roads and streets have been dedicated
19 to public use or not. Township boards of townships enacting
20 ordinances under this section may accept contributions from duly
21 constituted representatives of the platted lands benefited by the
22 ordinances to defray administrative and enforcement costs inci-
23 dent to the enactment of ordinances.

24 (3) As used in this section, "public nudity" means knowingly
25 or intentionally displaying in a public place, or for payment or
26 promise of payment by any person including, but not limited to,
27 payment or promise of payment of an admission fee, any

1 individual's genitals or anus with less than a fully opaque
2 covering.

3 Sec. 3. (1) The township board may ~~in such ordinances~~
4 provide IN A TOWNSHIP ORDINANCE a ~~penalty~~ SANCTION FOR VIOLA-
5 TION OF THE ORDINANCE. A VIOLATION OF AN ORDINANCE IS A MUNICI-
6 PAL CIVIL INFRACTION ONLY IF THE ORDINANCE EXPLICITLY STATES THAT
7 A VIOLATION IS A MUNICIPAL CIVIL INFRACTION. IF THE VIOLATION OF
8 AN ORDINANCE IS A CIVIL INFRACTION, THE ORDINANCE MAY PROVIDE A
9 CIVIL FINE FOR VIOLATION OF THE ORDINANCE. IF A VIOLATION OF THE
10 ORDINANCE IS NOT A CIVIL INFRACTION, THE ORDINANCE MAY PROVIDE A
11 PENALTY for violation ~~thereof,~~ OF THE ORDINANCE CONSISTING of a
12 fine not exceeding \$500.00 ~~—~~, or ~~by~~ imprisonment ~~in the~~
13 ~~county jail~~ not ~~to exceed~~ EXCEEDING 90 days, or ~~by~~ both.
14 ~~such fine and imprisonment.~~ AS USED IN THIS SECTION, "CIVIL
15 INFRACTION" AND "MUNICIPAL CIVIL INFRACTION" MEAN THOSE TERMS AS
16 DEFINED IN SECTION 113 OF THE REVISED JUDICATURE ACT OF 1961, ACT
17 NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTION 600.113 OF THE
18 MICHIGAN COMPILED LAWS.

19 (2) If the township lies within a district served by 1 or
20 more municipal courts, ~~prosecutions~~ AN ACTION for the violation
21 of ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be instituted in
22 any one of the municipal courts of the district, and in such
23 cases the same right to appeal to the circuit courts ~~shall~~
24 ~~exist~~ EXISTS as in cases of violations of the state law cogniza-
25 ble by the municipal court in which the ~~prosecution~~ ACTION is
26 instituted. Fines, penalties, and forfeitures ~~shall be~~ ARE
27 payable in the same manner and to the same fund as fines for the

1 violation of the laws of the state. Costs shall be paid and
2 reported by ~~such~~ THE municipal courts in the same manner as is
3 provided for offenses under state law ~~where the prosecution is~~
4 ~~instituted~~ PROSECUTED in a municipal court. THIS SUBSECTION
5 APPLIES TO CIVIL INFRACTIONS ONLY TO THE EXTENT NOT OTHERWISE
6 PROVIDED BY LAW.

7 (3) If the township lies within a district served by the
8 district court, ~~prosecutions~~ AN ACTION for the violation of
9 ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be instituted in the
10 district court, unless the person ~~accused of violating such an~~
11 ALLEGED TO HAVE VIOLATED THE ordinance enters a plea of guilty,
12 ADMITS RESPONSIBILITY, OR ADMITS RESPONSIBILITY WITH EXPLANATION
13 before a magistrate, ~~or a~~ traffic bureau, OR MUNICIPAL ORDI-
14 NANCE VIOLATION BUREAU as otherwise provided and authorized by
15 law. Fines and costs imposed or assessed in such an action shall
16 be distributed in accordance with section 8379 of Act No. 236 of
17 the Public Acts of 1961, ~~as added,~~ being section 600.8379 of
18 the MICHIGAN Compiled Laws. ~~of 1948.~~

19 Sec. 4. (1) A township ordinance shall contain a provision
20 stating when the ordinance ~~shall take~~ TAKES effect.

21 (2) Except as provided in section 22 of Act No. 359 of the
22 Public Acts of 1947, being section 42.22 of the Michigan Compiled
23 Laws, and section 11 of the township rural zoning act, Act
24 No. 184 of the Public Acts of 1943, being section 125.281 of the
25 Michigan Compiled Laws, a township ordinance shall take effect as
26 follows:

1 (a) If an ordinance imposes a ~~penalty~~ SANCTION for the
2 violation of the ordinance, the ordinance shall take effect 30
3 days after the first publication of the ordinance.

4 (b) If an ordinance does not impose a ~~penalty~~ SANCTION for
5 the violation of the ordinance, the ordinance shall take effect
6 the day following the date of the publication of the ordinance or
7 any date following publication specified in the ordinance.

8 (3) Publication of the ordinance shall be made within 30
9 days after the passage of the ordinance by inserting either a
10 true copy or a summary of the ordinance once in a newspaper cir-
11 culating within the township. A summary of an ordinance may be
12 drafted by the same person that drafted the ordinance or by the
13 township board or township zoning board and shall be written in
14 clear and nontechnical language. Each section of an ordinance or
15 a summary of an ordinance shall be preceded by a catch line.

16 (4) If a summary of an ordinance is published, the township
17 shall ~~include~~ DESIGNATE in the publication the ~~designation of~~
18 a location in the township where a true copy of the ordinance
19 can be inspected or obtained.

20 ~~(5) A penalty imposed by an ordinance shall not exceed the~~
21 ~~penalty imposed by the general law for a misdemeanor.~~

22 Section 2. This amendatory act shall not take effect unless
23 Senate Bill No. 348

24 of the 87th Legislature is enacted into law.