



SENATE BILL No. 733

August 31, 1993, Introduced by Senator CONROY and referred to the Committee on Judiciary.

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 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:

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

1 No. 78 of the Public Acts of 1989, being sections 41.181, 41.183,
2 and 41.184 of the Michigan Compiled Laws, are amended to read as
3 follows:

4 TITLE

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

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

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

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

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

1 payment or promise of payment of an admission fee, any
2 individual's genitals or anus with less than a fully opaque
3 covering.

4 Sec. 3. (1) The township board may ~~in such ordinances~~
5 provide IN A TOWNSHIP ORDINANCE a ~~penalty~~ SANCTION FOR VIOLA-
6 TION OF THE ORDINANCE.

7 (2) IF THE VIOLATION OF AN ORDINANCE IS A CIVIL INFRACTION,
8 THE ORDINANCE MAY PROVIDE A CIVIL FINE FOR VIOLATION OF THE
9 ORDINANCE. A VIOLATION OF AN ORDINANCE IS A MUNICIPAL CIVIL
10 INFRACTION ONLY IF THE ORDINANCE EXPLICITLY STATES THAT A VIOLA-
11 TION IS A MUNICIPAL CIVIL INFRACTION. AN ORDINANCE SHALL NOT
12 MAKE AN ACT OR OMISSION A MUNICIPAL CIVIL INFRACTION IF THAT ACT
13 OR OMISSION CONSTITUTES A CRIME UNDER ANY OF THE FOLLOWING:

14 (A) ARTICLE 7 OR SECTION 17766A OF THE PUBLIC HEALTH CODE,
15 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7101
16 TO 333.7545 AND 333.17766A OF THE MICHIGAN COMPILED LAWS.

17 (B) THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS
18 OF 1931, BEING SECTIONS 750.1 TO 750.568 OF THE MICHIGAN COMPILED
19 LAWS.

20 (C) ACT NO. 158 OF THE PUBLIC ACTS OF 1966, BEING
21 SECTIONS 752.11 TO 752.12 OF THE MICHIGAN COMPILED LAWS.

22 (D) SECTION 1 OF ACT NO. 70 OF THE PUBLIC ACTS OF 1877,
23 BEING SECTION 752.21 OF THE MICHIGAN COMPILED LAWS.

24 (E) ACT NO. 119 OF THE PUBLIC ACTS OF 1967, BEING
25 SECTIONS 752.271 TO 752.274 OF THE MICHIGAN COMPILED LAWS.

26 (F) SECTION 25 OF CHAPTER 158 OF THE REVISED STATUTES OF
27 1846, BEING SECTION 752.525 OF THE MICHIGAN COMPILED LAWS.

1 (G) SECTION 2 OF ACT NO. 26 OF THE PUBLIC ACTS OF 1970,
2 BEING SECTION 752.582 OF THE MICHIGAN COMPILED LAWS.

3 (H) SECTION 5 OF ACT NO. 105 OF THE PUBLIC ACTS OF 1951,
4 BEING SECTION 752.825 OF THE MICHIGAN COMPILED LAWS.

5 (I) ACT NO. 10 OF THE PUBLIC ACTS OF 1952, BEING
6 SECTIONS 752.841 TO 752.845 OF THE MICHIGAN COMPILED LAWS.

7 (J) SECTION 1 OF ACT NO. 45 OF THE PUBLIC ACTS OF 1952,
8 BEING SECTION 752.861 OF THE MICHIGAN COMPILED LAWS.

9 (K) SECTION 1 OF ACT NO. 81 OF THE PUBLIC ACTS OF 1954,
10 BEING SECTION 752.881 OF THE MICHIGAN COMPILED LAWS.

11 (L) SECTION 3A OF ACT NO. 106 OF THE PUBLIC ACTS OF 1963,
12 BEING SECTION 752.903A OF THE MICHIGAN COMPILED LAWS.

13 (3) IF A VIOLATION OF THE ORDINANCE IS NOT A CIVIL INFRAC-
14 TION, THE ORDINANCE MAY PROVIDE A PENALTY for violation
15 ~~thereof,~~ OF THE ORDINANCE CONSISTING of a fine not exceeding
16 \$500.00 ~~—~~ or ~~by~~ imprisonment ~~in the county jail~~ not ~~to~~
17 ~~exceed~~ EXCEEDING 90 days, or ~~by~~ both. ~~such fine and~~
18 ~~imprisonment.~~

19 (4) ~~—(2)—~~ If the township lies within a district served by 1
20 or more municipal courts, ~~prosecutions~~ AN ACTION for the viola-
21 tion of ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be insti-
22 tuted in any one of the municipal courts of the district, and in
23 such 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 (5) ~~(3)~~ If the township lies within a district served by
8 the 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 (6) AS USED IN THIS SECTION, "CIVIL INFRACTION" AND
20 "MUNICIPAL CIVIL INFRACTION" MEAN THOSE TERMS AS DEFINED IN
21 SECTION 113 OF THE REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF
22 THE PUBLIC ACTS OF 1961, BEING SECTION 600.113 OF THE MICHIGAN
23 COMPILED LAWS.

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

26 (2) Except as provided in section 22 of Act No. 359 of the
27 Public Acts of 1947, being section 42.22 of the Michigan Compiled

1 Laws, and section 11 of the township rural zoning act, Act
2 No. 184 of the Public Acts of 1943, being section 125.281 of the
3 Michigan Compiled Laws, a township ordinance shall take effect as
4 follows:

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

8 (b) If an ordinance does not impose a ~~penalty~~ SANCTION for
9 the violation of the ordinance, the ordinance shall take effect
10 the day following the date of the publication of the ordinance or
11 any date following publication specified in the ordinance.

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

20 (4) If a summary of an ordinance is published, the township
21 shall ~~include~~ DESIGNATE in the publication the ~~designation of~~
22 a location in the township where a true copy of the ordinance
23 can be inspected or obtained.

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

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. 731
3 of the 87th Legislature is enacted into law.