



HOUSE BILL No. 5355

October 31, 1995, Introduced by Reps. Cherry, Baird, Gubow, Brackenridge, Dobronski, Bobier, Green, Martinez, Brewer, Hammerstrom, Voorhees, Crissman, Prusi, Wetters, LaForge, Brater, Hanley and Pitoniak and referred to the Committee on Local Government.

A bill to amend section 1 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 sanctions; and to repeal all acts and parts of acts in conflict with the act,"

as amended by Act No. 315 of the Public Acts of 1994, being section 41.181 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. Section 1 of Act No. 246 of the Public Acts of

1945, as amended by Act No. 315 of the Public Acts of 1994, being

section 41.181 of the Michigan Compiled Laws, is amended to read

as follows:

1 Sec. 1. (1) The township board of a township may, at a
2 regular or special meeting by a majority of the members elect of
3 the township board, adopt ordinances regulating the public
4 health, safety, and general welfare of persons and property,
5 including, but not limited to fire protection, licensing or use
6 of bicycles, traffic and parking of vehicles, sidewalk mainte-
7 nance and repairs, the licensing of business establishments, the
8 licensing and regulating of public amusements, THE REGULATION OF
9 THE REMOVAL OF HOUSEHOLD WASTE and the regulation or prohibition
10 of public nudity and provide penalties for the violation of the
11 ordinances. The township shall enforce the ordinances and may
12 employ and establish a police department with full power to
13 enforce township ordinances and state laws. If state laws are to
14 be enforced, a township shall have a law enforcement unit or may
15 by resolution appropriate funds and call upon the sheriff of the
16 county in which the township is located, the department of state
17 police, or other law enforcement agency to provide special police
18 protection for the township. The sheriff, department of state
19 police, or other local law enforcement agency shall, if called
20 upon, provide special police protection for the township and
21 enforce local township ordinances to the extent that township
22 funds are appropriated for the enforcement. Special township
23 deputies appointed by the sheriff shall be under the jurisdiction
24 of and solely responsible to the sheriff. Ordinances regulating
25 traffic and parking of vehicles and bicycles shall not be in
26 contravention of the Michigan vehicle code, Act No. 300 of the

1 Public Acts of 1949, ~~as amended,~~ being sections 257.1 to
2 257.923 of the Michigan Compiled Laws.

3 (2) Ordinances enacted may apply to streets, roads, high-
4 ways, or portions of the township determined by the township
5 board or may be limited to specified platted lands within the
6 township, and with respect to these lands shall be valid and
7 enforceable whether the roads and streets have been dedicated to
8 public use or not. Township boards of townships enacting ordi-
9 nances under this section may accept contributions from duly con-
10 stituted representatives of the platted lands benefited by the
11 ordinances to defray administrative and enforcement costs incre-
12 dent to the enactment of ordinances.

13 (3) As used in this section, "public nudity" means knowingly
14 or intentionally displaying in a public place, or for payment or
15 promise of payment by any person including, but not limited to,
16 payment or promise of payment of an admission fee, any
17 individual's genitals or anus with less than a fully opaque cov-
18 ering, or a female individual's breast with less than a fully
19 opaque covering of the nipple and areola. Public nudity does not
20 include any of the following:

21 (a) A woman's breastfeeding of a baby whether or not the
22 nipple or areola is exposed during or incidental to the feeding.

23 (b) Material as defined in section 2 of Act No. 343 of the
24 Public Acts of 1984, being section 752.362 of the Michigan
25 Compiled Laws.

1 (c) Sexually explicit visual material as defined in section
2 3 of Act No. 33 of the Public Acts of 1978, being section 722.673
3 of the Michigan Compiled Laws.