

HOUSE BILL No. 4922

September 8, 2011, Introduced by Reps. Walsh and Byrum and referred to the Committee on Judiciary.

A bill to amend 1945 PA 246, entitled

"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,"

by amending sections 1 and 4 (MCL 41.181 and 41.184), as amended by 1999 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The township board of a township, at a regular or
2 special meeting by a majority of the members elect of the township
3 board, may adopt ordinances regulating the public health, safety,
4 and general welfare of persons and property, including, but not

1 limited to, ordinances concerning fire protection, licensing or use
2 of bicycles, traffic, parking of vehicles, sidewalk maintenance and
3 repairs, the licensing of business establishments, the licensing
4 and regulating of public amusements, and the regulation or
5 prohibition of public nudity, and may provide sanctions for the
6 violation of the ordinances. The township shall enforce the
7 ordinances and may employ and establish a police department with
8 full power to enforce township ordinances and state laws. If state
9 laws are to be enforced, a township shall have a law enforcement
10 unit or may by resolution appropriate funds and call upon the
11 sheriff of the county in which the township is located, the
12 department of state police, or another law enforcement agency to
13 provide special police protection for the township. The sheriff,
14 department of state police, or other local law enforcement agency
15 shall, if called upon, provide special police protection for the
16 township and enforce local township ordinances to the extent that
17 township funds are appropriated for the enforcement. Special
18 township deputies appointed by the sheriff shall be under the
19 jurisdiction of and solely responsible to the sheriff. Ordinances
20 regulating traffic and parking of vehicles and bicycles shall not
21 contravene the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
22 257.923.

23 (2) Ordinances enacted may apply to streets, roads, highways,
24 or portions of the township determined by the township board or may
25 be limited to specified platted lands within the township, and with
26 respect to these lands shall be valid and enforceable whether the
27 roads and streets have been dedicated to public use or not.

1 Township boards of townships enacting ordinances under this section
2 may accept contributions from duly constituted representatives of
3 the platted lands benefited by the ordinances to defray
4 administrative and enforcement costs incident to the enactment of
5 ordinances.

6 (3) A township may adopt a provision of any state statute for
7 which the maximum period of imprisonment is 93 days or the Michigan
8 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, by reference in an
9 adopting ordinance, which statute shall be clearly identified in
10 the adopting ordinance. ~~A—EXCEPT AS OTHERWISE PROVIDED IN THIS~~
11 ~~SUBSECTION, A~~ township shall not enforce any provision adopted by
12 reference for which the maximum period of imprisonment is greater
13 than 93 days. ~~A TOWNSHIP MAY ADOPT SECTION 625(1)(C) OF THE~~
14 ~~MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, BY REFERENCE IN AN~~
15 ~~ADOPTING ORDINANCE AND SHALL PROVIDE THAT A VIOLATION OF THAT~~
16 ~~ORDINANCE IS A MISDEMEANOR PUNISHABLE BY 1 OR MORE OF THE~~
17 ~~FOLLOWING:~~

18 (A) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.

19 (B) IMPRISONMENT FOR NOT MORE THAN 180 DAYS.

20 (C) A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.

21 (4) As used in this section, "public nudity" means knowingly
22 or intentionally displaying in a public place, or for payment or
23 promise of payment by any person including, but not limited to,
24 payment or promise of payment of an admission fee, any individual's
25 genitals or anus with less than a fully opaque covering, or a
26 female individual's breast with less than a fully opaque covering
27 of the nipple and areola. Public nudity does not include any of the

1 following:

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

4 (b) Material as defined in section 2 of 1984 PA 343, MCL
5 752.362.

6 (c) Sexually explicit visual material as defined in section 3
7 of 1978 PA 33, MCL 722.673.

8 Sec. 4. (1) A township ordinance shall contain a provision
9 stating when the ordinance takes effect.

10 (2) Except as provided in section 22 of the charter township
11 act, 1947 PA 359, MCL 42.22, and ~~section 11 of the township zoning~~
12 ~~act, 1943 PA 184, MCL 125.281,~~ **SECTION 401 OF THE MICHIGAN ZONING**
13 **ENABLING ACT, 2006 PA 110, MCL 125.3401,** a township ordinance shall
14 take effect as follows:

15 (a) If an ordinance imposes a sanction for the violation of
16 the ordinance, the ordinance shall take effect 30 days after the
17 first publication of the ordinance.

18 (b) If an ordinance does not impose a sanction for the
19 violation of the ordinance, the ordinance shall take effect the day
20 following the date of the publication of the ordinance or any date
21 following publication specified in the ordinance.

22 (3) Publication of the ordinance shall be made within 30 days
23 after the passage of the ordinance by inserting either a true copy
24 or a summary of the ordinance once in a newspaper circulating
25 within the township. A summary of an ordinance may be drafted by
26 the same person who drafted the ordinance or by the township board
27 or ~~township zoning board~~ **PLANNING COMMISSION** and shall be written

1 in clear and nontechnical language. Each section of an ordinance or
2 a summary of an ordinance shall be preceded by a catch line. If a
3 summary of an ordinance is published, the township shall designate
4 in the publication the location in the township where a true copy
5 of the ordinance can be inspected or obtained.

6 (4) If an ordinance adopts by reference a provision of any
7 state statute for which the maximum period of imprisonment is 93
8 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
9 257.923, a statement of the purpose of the statute shall be
10 published with the adopting ordinance or with the summary of the
11 adopting ordinance under subsection (3). Copies of the statute
12 adopted by the township by reference shall be kept in the office of
13 the township clerk, available for inspection by and distribution to
14 the public. The township shall include in the publication the
15 designation of a location in the township where a copy of the
16 statute can be inspected or obtained. ~~A-EXCEPT AS OTHERWISE~~
17 **PROVIDED IN THIS SUBSECTION, A** township shall not enforce any
18 provision adopted by reference for which the maximum period of
19 imprisonment is greater than 93 days. **A TOWNSHIP MAY ADOPT SECTION**
20 **625(1)(C) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625,**
21 **BY REFERENCE IN AN ADOPTING ORDINANCE AND SHALL PROVIDE THAT A**
22 **VIOLATION OF THAT ORDINANCE IS A MISDEMEANOR PUNISHABLE BY 1 OR**
23 **MORE OF THE FOLLOWING:**

- 24 (A) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.
25 (B) IMPRISONMENT FOR NOT MORE THAN 180 DAYS.
26 (C) A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.