

HOUSE BILL No. 6006

December 2, 2014, Introduced by Rep. Price and referred to the Committee on Local Government.

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 4, 5, and 6 (MCL 41.184, 41.185, and 41.186), section 4 as amended by 2012 PA 9, section 5 as amended by 1999 PA 257, and section 6 as added by 1989 PA 78.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) Except as provided in section 22 of the charter township
4 act, 1947 PA 359, MCL 42.22, and section 401 of the Michigan zoning

1 enabling act, 2006 PA 110, MCL 125.3401, a township ordinance shall
2 take effect as follows:

3 (a) If an ordinance imposes a sanction for the violation of
4 the ordinance, the ordinance shall take effect 30 days after the
5 first publication **OR POSTING** of the ordinance.

6 (b) If an ordinance does not impose a sanction for the
7 violation of the ordinance, the ordinance shall take effect the day
8 following the date of the publication **OR POSTING** of the ordinance
9 or any date following publication **OR POSTING** specified in the
10 ordinance.

11 (3) ~~Publication~~ **BEFORE JANUARY 1, 2015, PUBLICATION** of the
12 ordinance shall be made within 30 days after the passage of the
13 ordinance by inserting either a true copy or a summary of the
14 ordinance once in a newspaper circulating within the township.
15 **BEGINNING JANUARY 1, 2015, WITHIN 30 DAYS AFTER THE PASSAGE OF THE**
16 **ORDINANCE, TIER B PUBLIC NOTICE OF A TRUE COPY OR A SUMMARY OF THE**
17 **ORDINANCE SHALL BE PROVIDED AS SET FORTH IN THE LOCAL GOVERNMENT**
18 **PUBLIC NOTICE ACT.** A summary of an ordinance may be drafted by the
19 same person who drafted the ordinance or by the township board or
20 township planning commission and shall be written in clear and
21 nontechnical language. Each section of an ordinance or a summary of
22 an ordinance shall be preceded by a catch line. If a summary of an
23 ordinance is published **OR POSTED**, the township shall designate in
24 the publication **OR POSTING** the location in the township where a
25 true copy of the ordinance can be inspected or obtained.

26 (4) If an ordinance adopts by reference a provision of any
27 state statute for which the maximum period of imprisonment is 93

1 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
2 257.923, a statement of the purpose of the statute shall be
3 published **OR POSTED** with the adopting ordinance or with the summary
4 of the adopting ordinance under subsection (3). Copies of the
5 statute adopted by the township by reference shall be kept in the
6 office of the township clerk, available for inspection by and
7 distribution to the public. The township shall include in the
8 publication **OR POSTING** the designation of a location in the
9 township where a copy of the statute can be inspected or obtained.
10 Except as otherwise provided in this subsection, a township shall
11 not enforce any provision adopted by reference for which the
12 maximum period of imprisonment is greater than 93 days. A township
13 may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA
14 300, MCL 257.625, by reference in an adopting ordinance and shall
15 provide that a violation of that ordinance is a misdemeanor
16 punishable by 1 or more of the following:

- 17 (a) Community service for not more than 360 hours.
18 (b) Imprisonment for not more than 180 days.
19 (c) A fine of not less than \$200.00 or more than \$700.00.

20 Sec. 5. (1) Within 1 week after the publication **OR POSTING** of
21 an ordinance as provided in section 4, the township clerk shall
22 record the ordinance in a book of ordinances kept by him or her for
23 that purpose; record the date of the passage of the ordinance, the
24 names of the members of the township board voting, and how each
25 member voted; and file an attested copy of the ordinance with the
26 county clerk. If the ordinance adopts by reference a provision of
27 any state statute for which the maximum period of imprisonment is

1 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
2 257.923, the township clerk shall also file a copy of the statute
3 with the county clerk. The township clerk shall certify under the
4 ordinance in a blank space provided the date or dates of
5 publication **OR POSTING** of the ordinance, the name of the newspaper
6 in which publication was made, **IF APPLICABLE**, and the date of
7 filing with the county clerk.

8 (2) The county clerk shall maintain separate files for any
9 statute filed under subsection (1) for each township in the county.
10 The county clerk shall make the files readily available to the
11 public.

12 (3) The provisions of this section with regard to filing with
13 the county clerk do not apply to a township that maintains a
14 township office open to the public during regular hours on each
15 business day.

16 (4) The county clerk may charge a reasonable fee for the
17 reproduction or furnishing of a copy of an ordinance or statute
18 filed under subsection (1).

19 Sec. 6. Each township may codify, recodify, and continue in
20 code its ordinances, in whole or in part, without the necessity of
21 publishing **OR POSTING** the entire code in full. The ordinance
22 adopting the code, as well as subsequent ordinances repealing,
23 amending, continuing, or adding to the code, shall be published **OR**
24 **POSTED** as required by law. The ordinance adopting the code may
25 amend, repeal, revise, or rearrange ordinances or parts of
26 ordinances by reference by title only.

27 Enacting section 1. This amendatory act does not take effect

1 unless Senate Bill No. ____ or House Bill No. 5560 (request no.
2 03796'13) of the 97th Legislature is enacted into law.