

HOUSE BILL NO. 6335

November 12, 2020, Introduced by Rep. Steven Johnson and referred to the Committee on Government Operations.

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~~**must** contain a
2 provision 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
5 enabling act, 2006 PA 110, MCL 125.3401, a township ordinance ~~shall~~
6 ~~take~~**takes** effect as follows:

7 (a) If an ordinance imposes a sanction for the violation of
8 the ordinance, the ordinance ~~shall take~~**takes** effect 30 days after
9 the first publication **or posting** of the ordinance.

10 (b) If an ordinance does not impose a sanction for the
11 violation of the ordinance, the ordinance ~~shall take~~**takes** effect
12 the day following the date of the publication **or posting** of the
13 ordinance or any date following publication **or posting** specified in
14 the ordinance.

15 (3) ~~Publication~~**Before January 1, 2022, publication** of the
16 ordinance ~~shall~~**must** be made within 30 days after the passage of
17 the ordinance by inserting either a true copy or a summary of the
18 ordinance once in a newspaper circulating within the township.
19 **Beginning January 1, 2022, within 30 days after the passage of the**
20 **ordinance, public notice of a true copy or a summary of the**
21 **ordinance must be posted as set forth in the local government**
22 **public notice act.** A summary of an ordinance may be drafted by the
23 same person who drafted the ordinance or by the township board or
24 township planning commission and ~~shall~~**must** be written in clear and
25 nontechnical language. Each section of an ordinance or a summary of
26 an ordinance ~~shall~~**must** be preceded by a catch line. If a summary
27 of an ordinance is published **or posted**, the township shall

1 designate in the publication **or posting** the location in the
2 township where a true copy of the ordinance can be inspected or
3 obtained.

4 (4) If an ordinance adopts by reference a provision of any
5 state statute for which the maximum period of imprisonment is 93
6 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
7 257.923, a statement of the purpose of the statute ~~shall~~**must** be
8 published **or posted** with the adopting ordinance or with the summary
9 of the adopting ordinance under subsection (3). Copies of the
10 statute adopted by the township by reference ~~shall~~**must** be kept in
11 the office of the township clerk, available for inspection by and
12 distribution to the public. The township shall include in the
13 publication **or posting** the designation of a location in the
14 township where a copy of the statute can be inspected or obtained.
15 Except as otherwise provided in this subsection, a township shall
16 not enforce any provision adopted by reference for which the
17 maximum period of imprisonment is greater than 93 days. A township
18 may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA
19 300, MCL 257.625, by reference in an adopting ordinance and shall
20 provide that a violation of that ordinance is a misdemeanor
21 punishable by 1 or more of the following:

22 (a) Community service for not more than 360 hours.

23 (b) Imprisonment for not more than 180 days.

24 (c) A fine of not less than \$200.00 or more than \$700.00.

25 Sec. 5. (1) Within 1 week after the publication **or posting** of
26 an ordinance as provided in section 4, the township clerk shall
27 record the ordinance in a book of ordinances kept by him or her for
28 that purpose; record the date of the passage of the ordinance, the
29 names of the members of the township board voting, and how each

1 member voted; and file an attested copy of the ordinance with the
2 county clerk. If the ordinance adopts by reference a provision of
3 any state statute for which the maximum period of imprisonment is
4 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
5 257.923, the township clerk shall also file a copy of the statute
6 with the county clerk. The township clerk shall certify under the
7 ordinance in a blank space provided the date or dates of
8 publication **or posting** of the ordinance, the name of the newspaper
9 in which publication was made, **if applicable**, and the date of
10 filing with the county clerk.

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

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

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

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

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No. 6440 (request no.
3 02449'19) of the 100th Legislature is enacted into law.