

Revised Statutes of 1846 (EXCERPT)
R.S. of 1846

Powers and Duties of Townships.

41.2 Inhabitants of organized township as body corporate; powers and duties generally; acquisition of property for public purposes; suit, act, or proceeding; supervisor as agent.

Sec. 2. (1) The inhabitants of an organized township are a body corporate and have, in addition to other powers that are conferred, all of the following powers and duties:

- (a) To sue and be sued and appoint necessary agents and attorneys for that purpose.
- (b) To make contracts necessary and convenient for the exercise of their corporate powers.

(2) In addition to other powers that are conferred, the township board may investigate any matter that is under the jurisdiction of the township and the authority vested in the township or an officer under this act. The supervisor or the township board by majority consent of the township board members serving may serve upon a person a subpoena that has been authorized by a court of proper jurisdiction in the county in which the township is situated compelling the person to appear before the board or a committee of the board to be examined under oath or to produce a document or object for inspection or copying. If a person objects to or otherwise fails to comply with the subpoena served upon him or her, the supervisor or the township board by majority consent of the township board members may file in that court an action to enforce the notice. The court may issue an order requiring the person to appear to be examined or to produce a document or object for inspection or copying. Failure to obey the order of the court is punishable by the court as a contempt.

(3) By resolution of the township board, a majority of the members serving may acquire property for public purposes by purchase, gift, condemnation, lease, construction, or otherwise and may convey or lease that property or part of that property not needed for public purposes.

(4) A suit, act, or proceeding, by or against a township, in its corporate capacity, shall be in the name of the township. The supervisor of each township shall be the agent for his or her township for the transaction of legal business, by whom a suit may be brought and defended, and upon whom process against the township shall be served.

History: R.S. 1846, Ch. 16;—CL 1857, 494;—CL 1871, 637;—How. 670;—CL 1897, 2268;—CL 1915, 2047;—CL 1929, 957;—CL 1948, 41.2;—Am. 1988, Act 117, Imd. Eff. May 2, 1988;—Am. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 1992, Act 16, Imd. Eff. Mar. 16, 1992.

41.2a Power to change the name of the township; limitation.

Sec. 2a. (1) Subject to subsection (2), a township board may by resolution adopted by 2/3 of the members elected to and serving on the township board change the name of the township. The resolution must include the new name of the township.

(2) A resolution adopted under subsection (1) does not take effect unless the resolution is approved by a majority of the electors of the township voting on the question at an election to be held on the next August regular election date or November regular election date, whichever occurs first, that is not less than 60 days after the date the resolution is adopted.

(3) If a majority of the electors of the township voting on the question approve the resolution, the name of that township is authorized to be changed by the township to the new name in the resolution.

- (4) A township does not have the authority to change its name more than once every 25 years.

History: Add. 2021, Act 97, Eff. Mar. 30, 2022.

41.2b Power to acquire, own, or operate a public service facility.

Sec. 2b. (1) A township with a population between 10,000 and 15,000, located in a county with a population greater than 1,500,000, may acquire, own, or operate, within or outside the township's corporate limits, a public service facility that provides transportation to the township and the township's inhabitants.

(2) A township that owns or operates a public service facility that provides transportation to the township and the township's inhabitants may charge a user fee.

(3) To be eligible to receive state and federal money related to owning or operating a bridge, a township that owns or operates a public service facility must implement an inspection program that complies with the federal requirements for bridge inspection standards under 23 USC 144 for all bridges owned or operated by the township.

- (4) As used in this section:

- (a) "Public service facility" means a bridge, a roadway or ramp that supports the bridge, and any other equipment, building, structure, parking area, appurtenance, or other real or personal property necessary or desirable for and any future construction to replace a bridge, the roadway or ramp that supports the bridge,

and any other equipment, building, structure, parking area, appurtenance, or other real or personal property that is necessary for the bridge.

(b) "User fee" means a toll, consumption charge, rent, license fee, or another similar or ancillary charge that is related to the use or purchase of a public service facility. User fee includes, but is not limited to, a fee or charge for creating, maintaining, administering, billing, and collecting an account.

History: Add. 2024, Act 126, Eff. Apr. 2, 2025.

41.3 Power to grant and vote sums of money; purpose; creation of debt or liability.

Sec. 3. The inhabitants of a township shall have the power, by a vote of the registered electors of the township, to grant and vote sums of money, not exceeding amounts limited by law, that they consider necessary for defraying proper charges and expenses arising in the township. The township board or a township officer shall not create a debt or liability against the township, or issue a warrant, certificate, or order for the payment of money, unless the creation of the debt or liability or the payment of the money has been authorized by vote of the registered electors of the township or by law.

History: R.S. 1846, Ch. 16;—CL 1857, 495;—CL 1871, 638;—Am. 1875, Act 212, Eff. Aug. 3, 1875;—How. 671;—Am. 1887, Act 61, Imd. Eff. Apr. 9, 1887;—CL 1897, 2269;—Am. 1909, Act 62, Eff. Sept. 1, 1909;—Am. 1915, Act 43, Imd. Eff. Apr. 7, 1915;—CL 1915, 2048;—Am. 1919, Act 89, Eff. Aug. 14, 1919;—CL 1929, 958;—Am. 1931, Act 152, Eff. Sept. 18, 1931;—Am. 1947, Act 75, Imd. Eff. May 7, 1947;—CL 1948, 41.3;—Am. 1964, Act 72, Eff. Aug. 28, 1964;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.3a Minimum staffing requirement; adoption of ordinance prohibited.

Sec. 3a. Beginning on the effective date of the amendatory act that added this section, a township board shall not adopt an ordinance that includes any minimum staffing requirement for township employees. Except as otherwise provided in this section, any provision in a township ordinance adopted by a township board on or after the effective date of the amendatory act that added this section that contains a minimum staffing requirement for township employees is void and unenforceable.

History: Add. 2011, Act 138, Imd. Eff. Sept. 13, 2011.

41.3b Licensing requirements subject to local government occupational licensing act.

Sec. 3b. Any occupational licensing requirements imposed under this act are subject to the local government occupational licensing act.

History: Add. 2018, Act 494, Imd. Eff. Dec. 27, 2018.

Compiler's note: Enacting section 1 of Act 494 of 2018 provides:
"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

41.3c Power to impose special assessment for mosquito abatement.

Sec. 3c. (1) A township may finance by special assessment the provision of mosquito abatement by private contractors. The township board may initiate the establishment of a township-wide special assessment district under this section by resolution or authorize the use of petitions to initiate the establishment of a township-wide special assessment district under this section, or both. If petitions are used to initiate the establishment of a township-wide special assessment district under this section, the owners of not less than 10% of the land in the township must sign the petitions to initiate the establishment of the township-wide special assessment district.

(2) If a township board adopts a resolution to initiate the establishment of a township-wide special assessment district as provided under subsection (1) or if the owners of not less than 10% of the land in the township sign petitions to initiate the establishment of a township-wide special assessment district as provided under subsection (1), the township board shall submit the question of raising money for mosquito abatement by special assessment to the electors residing in that township at a general election or special election called for that purpose by the township board. When submitting the question of raising money for mosquito abatement by special assessment, the ballot must state the duration of the special assessment.

(3) If the question of raising money for mosquito abatement by special assessment is submitted by the township board to the electors residing in that township, a special assessment district for mosquito abatement is established if a majority of the electors residing in that township voting on the question approve the special assessment district.

(4) All proceedings related to the making, levying, and collecting of special assessments authorized under this section must conform as nearly as practicable with the proceedings provided in 1954 PA 188, MCL 41.721 to 41.738.

History: Add. 2020, Act 273, Eff. Mar. 24, 2021.

41.4 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed section pertained to power to make orders and bylaws.

41.4a Power to levy tax for mosquito abatement.

Sec. 4a. (1) A township may levy a tax of not more than 1 mill for a period of not more than 6 years on all of the taxable property in the township for the purpose of mosquito abatement.

(2) A proposal for a tax must not be placed on the ballot unless the proposal is adopted by a resolution of the township board.

(3) A ballot proposal for a tax must comply with the requirements of section 24f of the general property tax act, 1893 PA 206, MCL 211.24f.

(4) The township may levy the tax for mosquito abatement only if a majority of the electors in the township voting on the tax approve the tax.

(5) A tax authorized to be levied by a township under this section must be levied and collected at the same time and in the same manner as provided in the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

History: Add. 2020, Act 272, Eff. Mar. 24, 2021.

Compiler's note: Former MCL 41.4a, which pertained to regulation of conduct on bridges, was repealed by Act 77 of 1989, Imd. Eff. June 20, 1989.

41.5-41.7 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed sections pertained to power to make orders and bylaws.