

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5958

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 section 1 (MCL 41.181), as amended by 2012 PA 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
2 **SUBSECTION, THE** township board of a township, at a regular or
3 special meeting by a majority of the members elect of the township
4 board, may adopt ordinances regulating the public health, safety,

1 and general welfare of persons and property, including, but not
2 limited to, ordinances concerning fire protection, licensing or use
3 of bicycles, traffic, parking of vehicles, sidewalk maintenance and
4 repairs, the licensing of business establishments, the licensing
5 and regulating of public amusements, and the regulation or
6 prohibition of public nudity, and may provide sanctions for the
7 violation of the ordinances. The township shall enforce the
8 ordinances and may employ and establish a police department with
9 full power to enforce township ordinances and state laws. If state
10 laws are to be enforced, a township shall have a law enforcement
11 unit or may by resolution appropriate funds and call upon the
12 sheriff of the county in which the township is located, the
13 department of state police, or another law enforcement agency to
14 provide special police protection for the township. The sheriff,
15 department of state police, or other local law enforcement agency
16 shall, if called upon, provide special police protection for the
17 township and enforce local township ordinances to the extent that
18 township funds are appropriated for the enforcement. Special
19 township deputies appointed by the sheriff shall be under the
20 jurisdiction of and solely responsible to the sheriff. Ordinances
21 regulating traffic and parking of vehicles and bicycles ~~shall~~**MUST**
22 not contravene the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
23 257.923. **THIS SUBSECTION IS SUBJECT TO THE LOCAL GOVERNMENT**
24 **OCCUPATIONAL LICENSING ACT.**

25 (2) Ordinances enacted may apply to streets, roads, highways,
26 or portions of the township determined by the township board or may
27 be limited to specified platted lands within the township, and with

1 respect to these lands ~~shall be~~ **ARE** valid and enforceable whether
2 the roads and streets have been dedicated to public use or not.
3 Township boards of townships enacting ordinances under this section
4 may accept contributions from duly constituted representatives of
5 the platted lands benefited by the ordinances to defray
6 administrative and enforcement costs incident to the enactment of
7 ordinances.

8 (3) A township may adopt a provision of any state statute for
9 which the maximum period of imprisonment is 93 days or the Michigan
10 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, by reference in an
11 adopting ordinance, which statute ~~shall~~ **MUST** be clearly identified
12 in the adopting ordinance. Except as otherwise provided in this
13 subsection, a township shall not enforce any provision adopted by
14 reference for which the maximum period of imprisonment is greater
15 than 93 days. A township may adopt section 625(1)(c) of the
16 Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an
17 adopting ordinance and shall provide that a violation of that
18 ordinance is a misdemeanor punishable by 1 or more of the
19 following:

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

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

1 female individual's breast with less than a fully opaque covering
2 of the nipple and areola. Public nudity does not include any of the
3 following:

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

6 (b) Material as defined in section 2 of 1984 PA 343, MCL
7 752.362.

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

10 Enacting section 1. This amendatory act is retroactive and
11 takes effect January 1, 2018.

12 Enacting section 2. This amendatory act does not take effect
13 unless House Bill No. 5955 of the 99th Legislature is enacted into
14 law.