

HOUSE BILL No. 5927

June 10, 1992, Introduced by Reps. Randall and Gnodtke and referred to the Committee on Towns and Counties.

A bill to amend sections 20 and 22 of Act No. 359 of the Public Acts of 1947, entitled

"An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; and to prescribe the powers and functions thereof,"

section 22 as amended by Act No. 345 of the Public Acts of 1982, being sections 42.20 and 42.22 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 20 and 22 of Act No. 359 of the Public
2 Acts of 1947, section 22 as amended by Act No. 345 of the Public
3 Acts of 1982, being sections 42.20 and 42.22 of the Michigan
4 Compiled Laws, are amended to read as follows:

5 Sec. 20. ~~All legislation of charter townships shall be by~~
6 ~~ordinance or by resolution. The term "resolution" shall mean the~~
7 ~~official action of the township board in the form of a motion,~~
8 ~~and such action shall be limited to matters required or permitted~~

~~1 to be done by resolution by this act or by state or federal law~~
~~2 and to matters pertaining to the internal affairs or concerns of~~
~~3 the township government. All other acts of the township board,~~
~~4 and all acts carrying a penalty for the violation thereof, shall~~
~~5 be by ordinance. Each ordinance shall be identified by a number~~
~~6 and a short title. Each proposed ordinance shall be introduced~~
~~7 in written or printed form. The style of all ordinances shall~~
~~8 be, "The charter township of ordains:".~~
~~9 Except in the case of ordinances which are declared to be emer-~~
~~10 gency ordinances, no ordinance shall be finally passed by the~~
~~11 township board at the same meeting at which it is introduced, nor~~
~~12 until it has been published in the form in which it was intro-~~
~~13 duced at least once. No ordinance shall be revised, altered, or~~
~~14 amended by reference to its title only, but the section or sec-~~
~~15 tions of the ordinance revised, altered, or amended shall be~~
~~16 re-enacted and published at length, and all ordinances, when~~
~~17 enacted, shall be immediately recorded by the township clerk in a~~
~~18 book to be called "The ordinance book", and it shall be the duty~~
~~19 of the supervisor and township clerk to authenticate such record~~
~~20 by their official signatures thereon. The ordinances of each~~
~~21 charter township shall be compiled and published in loose leaf or~~
~~22 booklet form not less than once in every 10 year period. (1)~~
 23 EACH LEGISLATIVE ACT OF A CHARTER TOWNSHIP BOARD SHALL BE IN THE
 24 FORM OF AN ORDINANCE THAT IS IDENTIFIED BY A NUMBER AND SHORT
 25 TITLE. EACH PROPOSED ORDINANCE SHALL BE IN WRITTEN OR PRINTED
 26 FORM, AND SHALL BEGIN WITH THE PHRASE "THE CHARTER TOWNSHIP OF
 27 _____ (NAME OF CHARTER TOWNSHIP) ORDAINS:".

1 (2) UNLESS A CHARTER TOWNSHIP BOARD DECLARES AN EMERGENCY
2 REQUIRING IMMEDIATE LEGISLATION, THE CHARTER TOWNSHIP BOARD SHALL
3 NOT ENACT AN ORDINANCE AT THE SAME CHARTER TOWNSHIP BOARD MEETING
4 AT WHICH THE ORDINANCE WAS INTRODUCED, OR BEFORE PUBLICATION OF A
5 NOTICE IN THE MANNER PRESCRIBED IN SECTION 4 OF ACT NO. 246 OF
6 THE PUBLIC ACTS OF 1945, BEING SECTION 41.184 OF THE MICHIGAN
7 COMPILED LAWS.

8 (3) AN ORDINANCE SHALL NOT BE AMENDED SOLELY BY REFERENCE TO
9 ITS TITLE. EACH AMENDED SECTION OF AN ORDINANCE SHALL BE REEN-
10 ACTED UPON AMENDMENT AND PUBLISHED IN FULL. IMMEDIATELY FOLLOW-
11 ING ENACTMENT OR REENACTMENT OF AN ORDINANCE, THE CHARTER TOWN-
12 SHIP CLERK SHALL RECORD THE ORDINANCE IN THE CHARTER TOWNSHIP
13 ORDINANCE BOOK. THE CHARTER TOWNSHIP SUPERVISOR AND CLERK SHALL
14 VERIFY THE ORDINANCE COPY PLACED IN THE ORDINANCE BOOK AS A TRUE
15 COPY OF THE ORDINANCE, AND SIGN THEIR NAMES ON THAT COPY.

16 (4) A CHARTER TOWNSHIP SHALL COMPILE AND PUBLISH IN LOOSE
17 LEAF OR BOOKLET FORM THE ORDINANCES OF THAT CHARTER TOWNSHIP NOT
18 LESS THAN ONCE EACH 10-YEAR PERIOD.

19 (5) A CHARTER TOWNSHIP MAY ACT BY RESOLUTION ONLY UNDER THE
20 FOLLOWING CIRCUMSTANCES:

21 (A) THIS ACT OR OTHER STATE OR FEDERAL LAW EXPRESSLY
22 REQUIRES OR PERMITS THE MATTER AFFECTED BY THE RESOLUTION TO BE
23 GOVERNED BY RESOLUTION.

24 (B) THE RESOLUTION DOES NOT IMPOSE A PENALTY.

25 (C) THE RESOLUTION RELATES SOLELY TO THE INTERNAL ADMINIS-
26 TRATION OF CHARTER TOWNSHIP GOVERNMENT.

(6) AS USED IN THIS SECTION:

(A) "ORDINANCE BOOK" MEANS A WRITTEN COLLECTION OF ALL ORDINANCES OF A CHARTER TOWNSHIP BOARD MAINTAINED BY THE CLERK OF THAT CHARTER TOWNSHIP.

(B) "RESOLUTION" MEANS THE OFFICIAL ACTION OF A CHARTER TOWNSHIP BOARD THAT IS IN THE FORM OF A MOTION.

Sec. 22. An ordinance passed by a township board shall be published ~~at least once. An ordinance is effective immediately upon its publication, unless a date upon which the ordinance shall become effective, which is subsequent to the date of the publication of the ordinance, is specifically provided in the ordinance. The publication of a summary or a true copy of an ordinance after final passage,~~ IN THE MANNER PRESCRIBED IN SECTION 4 OF ACT NO. 246 OF THE PUBLIC ACTS OF 1945, BEING SECTION 41.184 OF THE MICHIGAN COMPILED LAWS. THE ORDINANCE MAY BE PUBLISHED as a part of the published proceedings of the township board. ~~, shall constitute publication of the ordinance. If a summary of an ordinance is published, the township shall include in the publication the designation of a location in the township where a true copy of the ordinance can be inspected or obtained. Each section of an ordinance or a summary of an ordinance shall be preceded by a catch line. A summary of an ordinance may be drafted by the same person, corporation, partnership, firm, association, or other legal entity who drafted the ordinance or by the township board or township zoning board and shall be written in clear and nontechnical language.~~

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 86th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 5928
5 (request no. 05344'92 a*).

6 (b) Senate Bill No. _____ or House Bill No. 5959
7 (request no. 05344'92 b).