

SENATE BILL No. 98

February 19, 1991, Introduced by Senators CONROY,
KOIVISTO, CHERRY and BERRYMAN and referred to the
Committee on Local Government and Reapportionment.

A bill to amend the title and sections 1, 3, and 4 of Act
No. 246 of the Public Acts of 1945, entitled as amended

"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 the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards; to provide penalties; and to repeal all acts and parts of acts in conflict therewith,"

section 1 as amended and section 4 as added by Act No. 78 of the Public Acts of 1989, being sections 41.181, 41.183, and 41.184 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 3, and 4 of Act
2 No. 246 of the Public Acts of 1945, section 1 as amended and sec-
3 tion 4 as added by Act No. 78 of the Public Acts of 1989, being
4 sections 41.181, 41.183, and 41.184 of the Michigan Compiled
5 Laws, are amended to read as follows:

TITLE

1
2 An act to authorize township boards to adopt ordinances and
3 regulations to secure the public health, safety and general wel-
4 fare; to provide for the establishment of a township police
5 department; to provide for policing of townships by ~~the county~~
6 ~~sheriff~~ CERTAIN LAW ENFORCEMENT OFFICERS AND AGENCIES; to pro-
7 vide for the publication of ordinances; to prescribe powers and
8 duties of township boards AND CERTAIN LOCAL AND STATE OFFICERS
9 AND AGENCIES; to provide ~~penalties~~ SANCTIONS; and to repeal all
10 acts and parts of acts in conflict ~~therewith~~ WITH THE ACT.

11 Sec. 1. (1) The township board of a township, ~~may,~~ at a
12 regular or special meeting by a majority of the members elect of
13 the township board, MAY adopt ordinances regulating the public
14 health, safety, and general welfare of persons and property,
15 including, but not limited to, ORDINANCES CONCERNING fire protec-
16 tion, licensing or use of bicycles, traffic, ~~and~~ parking of
17 vehicles, sidewalk maintenance and repairs, the licensing of
18 business establishments, and the licensing and regulating of
19 public amusements, and MAY provide ~~penalties~~ SANCTIONS for the
20 violation of the ordinances. The township shall enforce the
21 ordinances and may employ and establish a police department with
22 full power to enforce township ordinances and state laws. If
23 state laws are to be enforced, a township shall have a law
24 enforcement unit or may by resolution appropriate funds and call
25 upon the sheriff of the county ~~or department of state police or~~
26 ~~other local law enforcement agency~~ in which the township is
27 located, ANOTHER LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY IN

1 WHICH THE TOWNSHIP IS LOCATED, OR THE DEPARTMENT OF STATE POLICE
2 to provide special police protection for the township. The sher-
3 iff, ~~department of state police, or~~ other local law enforcement
4 agency, OR THE DEPARTMENT OF STATE POLICE shall, if called upon,
5 provide special police protection for the township and enforce
6 local township ordinances, to the extent that township funds are
7 appropriated for the enforcement. Special township deputies
8 appointed by the sheriff shall be under the jurisdiction of and
9 solely responsible to the sheriff. Ordinances regulating traffic
10 and parking of vehicles and bicycles shall not be in contraven-
11 tion of the Michigan vehicle code, Act No. 300 of the Public Acts
12 of 1949, as amended, being sections 257.1 to 257.923 of the
13 Michigan Compiled Laws.

14 (2) Ordinances enacted may apply to streets, roads, high-
15 ways, or portions of the township determined by the township
16 board or may be limited to specified platted lands within the
17 township, and with respect to these lands ~~shall be~~ ARE valid
18 and enforceable whether the roads and streets have been dedicated
19 to public use or not. Township boards of townships enacting
20 ordinances under this section may accept contributions from duly
21 constituted representatives of the platted lands benefited by the
22 ordinances, to defray administrative and enforcement costs inci-
23 dent to the enactment of ordinances.

24 Sec. 3. (1) The township board may ~~in such ordinances~~
25 provide IN A TOWNSHIP ORDINANCE a ~~penalty~~ SANCTION FOR VIOLA-
26 TION OF THE ORDINANCE. A VIOLATION OF AN ORDINANCE IS A
27 MUNICIPAL CIVIL INFRACTION ONLY IF THE ORDINANCE EXPLICITLY

1 STATES THAT A VIOLATION IS A MUNICIPAL CIVIL INFRACTION. IF THE
2 VIOLATION OF AN ORDINANCE IS A CIVIL INFRACTION, THE ORDINANCE
3 MAY PROVIDE A CIVIL FINE FOR VIOLATION OF THE ORDINANCE. IF A
4 VIOLATION OF THE ORDINANCE IS NOT A CIVIL INFRACTION, THE ORDI-
5 NANCE MAY PROVIDE A PENALTY for violation ~~thereof,~~ OF THE ORDI-
6 NANCE CONSISTING of a fine not exceeding \$500.00 ~~,~~ or ~~by~~
7 imprisonment ~~in the county jail~~ FOR not to exceed 90 days, or
8 ~~by~~ both. ~~such fine and imprisonment.~~ AS USED IN THIS SEC-
9 TION, "CIVIL INFRACTION" AND "MUNICIPAL CIVIL INFRACTION" MEAN
10 THOSE TERMS AS DEFINED IN SECTION 113 OF THE REVISED JUDICATURE
11 ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING
12 SECTION 600.113 OF THE MICHIGAN COMPILED LAWS.

13 (2) If the township lies within a district served by 1 or
14 more municipal courts, ~~prosecutions~~ AN ACTION for the violation
15 of ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be instituted in
16 any one of the municipal courts of the district, and in such
17 cases the same right to appeal to the circuit courts ~~shall~~
18 ~~exist~~ EXISTS as in cases of violations of the state law cogniza-
19 ble by the municipal court in which the ~~prosecution~~ ACTION is
20 instituted. Fines, penalties, and forfeitures ~~shall be~~ ARE
21 payable in the same manner and to the same fund as fines for the
22 violation of the laws of the state. Costs shall be paid and
23 reported by such municipal courts in the same manner as is pro-
24 vided for offenses under state law ~~where~~ IF the ~~prosecution~~
25 ACTION is instituted in a municipal court. THIS SUBSECTION
26 APPLIES TO CIVIL INFRACTIONS ONLY TO THE EXTENT NOT OTHERWISE
27 PROVIDED BY LAW.

1 (3) If the township lies within a district served by the
2 district court, ~~prosecutions~~ AN ACTION for the violation of
3 ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be instituted in the
4 district court, unless the person ~~accused of violating such an~~
5 ALLEGED TO HAVE VIOLATED THE ordinance enters a plea of guilty,
6 ADMITS RESPONSIBILITY, OR ADMITS RESPONSIBILITY WITH EXPLANATION
7 before a magistrate, ~~or a~~ traffic bureau, OR MUNICIPAL ORDI-
8 NANCE VIOLATION BUREAU as otherwise provided and authorized by
9 law. Fines and costs imposed or assessed in such an action shall
10 be distributed in accordance with section 8379 of Act No. 236 of
11 the Public Acts of 1961, ~~as added,~~ being section 600.8379 of
12 the MICHIGAN Compiled Laws. ~~of 1948.~~

13 Sec. 4. (1) A township ordinance shall contain a provision
14 stating when the ordinance ~~shall take~~ TAKES effect.

15 (2) Except as provided in section 22 of Act No. 359 of the
16 Public Acts of 1947, being section 42.22 of the Michigan Compiled
17 Laws, and section 11 of the township rural zoning act, Act
18 No. 184 of the Public Acts of 1943, being section 125.281 of the
19 Michigan Compiled Laws, a township ordinance shall take effect as
20 follows:

21 (a) If an ordinance imposes a ~~penalty~~ SANCTION for the
22 violation of the ordinance, the ordinance shall take effect 30
23 days after the first publication of the ordinance.

24 (b) If an ordinance does not impose a ~~penalty~~ SANCTION for
25 the violation of the ordinance, the ordinance shall take effect
26 the day following the date of the publication of the ordinance or
27 any date following publication specified in the ordinance.

1 (3) Publication of the ordinance shall be made within 30
2 days after the passage of the ordinance by inserting either a
3 true copy or a summary of the ordinance once in a newspaper cir-
4 culating within the township. A summary of an ordinance may be
5 drafted by the same person that drafted the ordinance or by the
6 township board or township zoning board and shall be written in
7 clear and nontechnical language. Each section of an ordinance or
8 a summary of an ordinance shall be preceded by a catch line.

9 (4) If a summary of an ordinance is published, the township
10 shall ~~include~~ DESIGNATE in the publication the ~~designation of~~
11 a location in the township where a true copy of the ordinance
12 can be inspected or obtained.

13 ~~(5) A penalty imposed by an ordinance shall not exceed the~~
14 ~~penalty imposed by the general law for a misdemeanor.~~

15 Section 2. This amendatory act shall not take effect unless
16 Senate Bill No. 96

17 of the 86th Legislature is enacted into law.