

**Chapter 41**  
**TOWNSHIPS**  
**Revised Statutes of 1846**  
**R.S. of 1846**

Chapter 16

Chapter 16. Of the powers and duties of townships, the election and duties of township officers, and the division of townships.

**41.1 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed section pertained to township boundaries.

**41.1a Emergency financial manager; authority and responsibilities.**

Sec. 1a.

Notwithstanding any provision of this act, if an emergency financial manager has been appointed under the local government fiscal responsibility act, Act No. 101 of the Public Acts of 1988, being sections 141.1101 to 141.1118 of the Michigan Compiled Laws, with respect to a township governed by this act, then that emergency financial manager may exercise the authority and responsibilities provided in this act to the extent authorized by Act No. 101 of the Public Acts of 1988.

**History:** Add. 1988, Act 192, Imd. Eff. June 27, 1988

**41.1b Definitions.**

Sec. 1b.

As used in this act:

- (a) "Officer" means a supervisor, treasurer, clerk, or trustee.
- (b) "Supervisor" means the supervisor of a township elected under chapter XVI of the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.341 to 168.373 of the Michigan Compiled Laws.
- (c) "Township board" means the township board of a township constituted as provided in section 70.
- (d) "Clerk" means the clerk of a township elected under chapter XVI of Act No. 116 of the Public Acts of 1954.
- (e) "Treasurer" means the treasurer of a township elected under chapter XVI of Act No. 116 of the Public Acts of 1954.
- (f) "Trustee" means a trustee of a township elected under chapter XVI of Act No. 116 of the Public Acts of 1954.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

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 Notes:** 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 Notes:** 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 Notes:** 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 Notes:** The repealed sections pertained to power to make orders and bylaws.

#### Township Meetings.

**41.8 Annual meeting of electors of township; time and place; conducting business at public meeting; public notice; majority vote; resolution or petition submitting question of reestablishment of annual meeting to electors; signatures; abolishment of annual meeting; township not required to hold annual meeting; exception; exercise of powers.**

Sec. 8.

(1) Except as otherwise provided in this section, an annual meeting of the electors of each township shall be held on the last Saturday in the last month of each fiscal year, at the time and place selected by the township board. However, the annual meeting may be held on an alternate date if the alternate date is approved by a majority of the township board and is in the last month of the township's fiscal year.

(2) The business performed at a meeting of the electors of a township shall be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given by the township clerk in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, and as provided by section 2 of 1963 (2nd Ex Sess) PA 43, MCL 141.412, except as provided in subsection (3).

(3) In a township having less than 200 registered electors, the township board may provide that notice need not be given as provided in section 2 of 1963 (2nd Ex Sess) PA 43, MCL 141.412, but shall be posted in 3 of the most public places of the township.

(4) The electors meeting at the place designated shall transact lawful business by majority vote.

(5) In a township other than a charter township, the township board, by resolution, may, or on the filing of petitions signed by a number of registered electors of the township equal to not less than 5% of the electors who voted for township supervisor at the immediately preceding township supervisor election of the township, shall, submit the question of the reestablishment of the annual meeting of the electors to the electors of the township at the next regular primary election or general election. The resolution or petitions shall be filed with the township clerk not later than 4 p.m. on the twelfth Tuesday before the election at which the question is submitted. If a majority of the electors of the township voting on the question votes to reestablish the annual meeting of the electors, the annual meeting of the electors is reestablished for that township, and the electors at the annual meeting shall reassume powers conferred by statute. Once the annual meeting has been reestablished by a vote of the people, the annual meeting may only be abolished by a resolution of the township board submitting the question of the abolition of the annual meeting to the electors of the township at the next regular primary or general election.

(6) Except as provided in subsection (5), a township is not required to hold an annual meeting of the electors of the township unless the township board, by resolution, elects to hold an annual meeting.

(7) In a township that does not hold an annual meeting, powers that could have been exercised by the electors at an annual meeting may be exercised by the township board.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 500 ;-- CL 1871, 643 ;-- Am. 1875, Act 42, Imd. Eff. Mar. 20, 1875 ;-- Am. 1881, Act 158, Eff. July 1, 1881 ;-- How. 677 ;-- CL 1897, 2275 ;-- Am. 1909, Act 66, Eff. Sept. 1, 1909 ;-- CL 1915, 2054 ;-- CL 1929, 963 ;-- Am. 1944, 1st Ex. Sess., Act 16, Imd. Eff. Feb. 19, 1944 ;-- CL 1948, 41.8 ;-- Am. 1956, Act 105, Eff. Aug. 11, 1956 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977 ;-- Am. 1978, Act 596, Imd. Eff. Jan. 4, 1979 ;-- Am. 1980, Act 378, Imd. Eff. Jan. 2, 1981 ;-- Am. 1982, Act 363, Eff. Mar. 30, 1983 ;-- Am. 1984, Act 106, Imd. Eff. May 24, 1984 ;-- Am. 1988, Act 187, Imd. Eff. June 27, 1988 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 1990, Act 101, Imd. Eff. June 14, 1990 ;-- Am. 2013, Act 254, Eff. Apr. 26, 2014

#### **41.9 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

##### **Sec. 9.**

A petition under section 8 or 95, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 143, Eff. Mar. 23, 1999

#### **41.11 Repealed. 1954, Act 116, Eff. June 1, 1955.**

**Compiler's Notes:** The repealed section provided for election and term of justices of peace.

#### **41.13 Repealed. 1971, Act 43, Eff. Mar. 30, 1972.**

**Compiler's Notes:** The repealed section pertained to terms of school inspectors.

#### **41.15 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed section pertained to filling vacancy in office.

#### **41.16 Township meetings; place.**

##### **Sec. 16.**

The annual and special township meetings of the electors shall be held at the place stated in the act or proceedings by which the township was organized or at another place designated by the township board.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 508 ;-- CL 1871, 651 ;-- How. 687 ;-- CL 1897, 2286 ;-- CL 1915, 2065 ;-- CL 1929, 971 ;-- CL 1948, 41.16 ;-- Am. 1956, Act 105, Eff. Aug. 11, 1956 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.17, 41.18 Repealed. 1956, Act 105, Eff. Aug. 11, 1956.**

**Compiler's Notes:** The repealed sections provided for adjournment of township meetings and notice of place for adjourned meeting.

#### **41.19 Township meetings; adjournment.**

Sec. 19.

An annual or special meeting of the electors may, by a majority vote of the electors attending the meeting, be adjourned to another day, and from time to time, for the purpose of transacting any proper business of the township.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 511 ;-- CL 1871, 654 ;-- How. 690 ;-- CL 1897, 2289 ;-- CL 1915, 2068 ;-- CL 1929, 974 ;-- CL 1948, 41.19 ;-- Am. 1956, Act 105, Eff. Aug. 11, 1956 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.20 First township meeting; date.**

Sec. 20.

The first township meeting of the electors after the organization of the township shall be held on the Saturday immediately preceding the first Monday in April following the organization.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 512 ;-- CL 1871, 655 ;-- How. 691 ;-- CL 1897, 2290 ;-- CL 1915, 2069 ;-- CL 1929, 975 ;-- Am. 1944, 1st Ex. Sess., Act 16, Imd. Eff. Feb. 19, 1944 ;-- CL 1948, 41.20 ;-- Am. 1956, Act 105, Eff. Aug. 11, 1956 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Former Law:** See section 1 of Act 21 of 1839.

#### **41.21 First township meeting; choosing moderator, clerk, and inspectors; oath; conduct of proceedings.**

Sec. 21.

At the first township meeting of the electors in any township, the registered electors present, between the hours of 9 and 10 a.m., shall choose 1 of their number as moderator, 1 of their number as clerk, and 2 others of their number as inspectors, who shall take the oath of office prescribed by section 1 of article XI of the state constitution of 1963, and shall conduct the proceedings of the meeting in all respects as other township meetings of the electors are required by law to be conducted.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 513 ;-- CL 1871, 656 ;-- How. 692 ;-- CL 1897, 2291 ;-- CL 1915, 2070 ;-- CL 1929, 976 ;-- CL 1948, 41.21 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Compiler's Notes:** In this section, "the twelfth article of the constitution" refers to the Constitution of 1835. See now Const. 1963, Art. XI, Â§ 1.

**Former Law:** See section 2 of Act 21 of 1839.

#### **41.22 First township meeting; failure to hold; notice of subsequent meeting.**

Sec. 22.

If the electors of a newly organized township fail to hold their first township meeting on the day specified by section 20, any 3 electors of the township may call a meeting of the electors of the township, for a township election, at any time thereafter, by posting notices of the meeting in not less than 3 public places in the township, at least 10 days prior to the holding of the meeting.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 514 ;-- CL 1871, 657 ;-- How. 693 ;-- CL 1897, 2292 ;-- CL 1915, 2071 ;-- CL 1929, 977 ;-- CL 1948, 41.22 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Former Law:** See section 3 of Act 21 of 1839.

#### **41.23 First township meeting; oaths of office, administration.**

Sec. 23.

At such first township meeting, the moderator shall administer the oath of office to the other inspectors, and either of the other inspectors, after having been so qualified, may administer the like oath to the moderator.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 515 ;-- CL 1871, 658 ;-- How. 694 ;-- CL 1897, 2293 ;-- CL 1915, 2072 ;-- CL 1929, 978 ;-- CL 1948, 41.23

**Former Law:** See section 4 of Act 21 of 1839.

#### **41.24 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed section pertained to special township meetings to fill vacancies.

#### **41.25 Special township meeting; purpose; order.**

Sec. 25.

A special township meeting of the electors shall also be held for the purpose of transacting any other lawful business, if ordered by the township board. The township board may order such a meeting on its own initiative and shall order a meeting if they receive a request in writing, signed by any 12 electors of the township or 1% of the registered electors in the township, whichever is greater, specifying the purposes for which the meeting is to be held. The manner of proceeding at a special meeting of the electors shall be the same as at the annual meeting of the electors.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 517 ;-- CL 1871, 660 ;-- How. 696 ;-- CL 1897, 2295 ;-- CL 1915, 2074 ;-- CL 1929, 980 ;-- CL 1948, 41.25 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.26 Special township meeting; contents of order; order as part of minutes.**

Sec. 26.

An order for a special township meeting of the electors pursuant to section 25 shall specify the purpose for which it is to be held, and the time and the place where it shall be held. If any vacancies in office are to be filled at the special meeting, the order shall state in what offices vacancies exist, how they occurred, and who were the last incumbents. An order for a special township meeting of the electors shall be part of the minutes of the township board proceedings.



**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 518 ;-- CL 1871, 661 ;-- How. 697 ;-- CL 1897, 2296 ;-- CL 1915, 2075 ;-- CL 1929, 981 ;-- CL 1948, 41.26 ;-- Am. 1983, Act 40, Imd. Eff. May 12, 1983 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.27 Special township meeting; time.**

Sec. 27.

The time appointed for holding a special township meeting of the electors shall be not more than 20 nor less than 15 days from the time the township board orders the holding of a special township meeting of the electors.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 519 ;-- CL 1871, 662 ;-- How. 698 ;-- CL 1897, 2297 ;-- CL 1915, 2076 ;-- CL 1929, 982 ;-- CL 1948, 41.27 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.28 Special township meeting; posting and publishing copies of order.**

Sec. 28.

The township clerk, within 2 days after receiving an order for a special township meeting of the electors, shall cause copies post copies of the order in 3 of the most public places in the township, and if there is a newspaper printed in the township, he or she shall also publish a copy of the order in that newspaper, if practicable, at least 5 days before the day appointed for the special township meeting of the electors.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 520 ;-- CL 1871, 663 ;-- How. 699 ;-- CL 1897, 2298 ;-- CL 1915, 2077 ;-- CL 1929, 983 ;-- CL 1948, 41.28 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Compiler's Notes:** In this section, the words "shall cause copies post copies" evidently should read "shall post copies."

#### **41.29 Repealed. 1956, Act 105, Eff. Aug. 11, 1956.**

**Compiler's Notes:** The repealed section provided that no notice of annual township meetings shall be necessary.

Township Officers.

#### **41.46, 41.47 Repealed. 1954, Act 116, Eff. June 1, 1955.**

**Compiler's Notes:** The repealed sections required township officers to file oath of office, and clerk to give notice of election.

#### **41.48-41.54 Repealed. 1974, Act 26, Imd. Eff. Feb. 26, 1974.**

**Compiler's Notes:** The repealed sections pertained to justices of the peace.

**41.55 Repealed. 1983, Act 40, Imd. Eff. May 12, 1983.**

**Compiler's Notes:** The repealed section pertained to failure of township officer to take and subscribe oath of office or to file bond or security.

Resignations, Vacancies and Supplying Vacancies.

**41.56 Resignations of officers.**

Sec. 56.

Resignations of all officers shall be in writing, signed by the officer resigning, and addressed to the township board and shall be delivered to and filed by the township clerk. The resignation shall be effective when accepted by the township board.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 548 ;-- CL 1871, 691 ;-- How. 727 ;-- CL 1897, 2326 ;-- CL 1915, 2105 ;-- CL 1929, 995 ;-- CL 1948, 41.56 ;-- Am. 1983, Act 40, Imd. Eff. May 12, 1983 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.57 Township office; events creating vacancy.**

Sec. 57.

Every township office shall become vacant upon the happening of any of the events specified in section 3 of chapter 15 of the Revised Statutes of 1846, being section 201.3 of the Michigan Compiled Laws, as creating a vacancy.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 549 ;-- CL 1871, 692 ;-- How. 728 ;-- CL 1897, 2327 ;-- CL 1915, 2106 ;-- CL 1929, 996 ;-- CL 1948, 41.57 ;-- Am. 1983, Act 40, Imd. Eff. May 12, 1983

**41.58 Disability of incumbent or incumbent's deputy; temporary appointment.**

Sec. 58.

If, because of disabilities, the incumbent in a township office and the incumbent's deputy are unable to perform the duties of their offices, the township board may make a temporary appointment of a suitable person to discharge the duties of the incumbent's office. The person so appointed shall take the oath of office or give bond as required by law and shall continue to discharge such duties until the office is filled by election or permanent appointment or until the disability of the incumbent or the incumbent's deputy is removed.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 550 ;-- CL 1871, 693 ;-- How. 729 ;-- CL 1897, 2328 ;-- CL 1915, 2107 ;-- CL 1929, 997 ;-- CL 1948, 41.58 ;-- Am. 1983, Act 40, Imd. Eff. May 12, 1983 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Former Law:** See section 35 of Act 18 of 1843.

**41.59 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed section pertained to vacancies in office of township treasurer.

Supervisor.

**41.60 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed section pertained to prosecution of penalties and forfeitures by township supervisor.

**41.61 Supervisor as chief assessor; additional assessors; certification; depositing rolls with supervisor; supervisor as secretary of board of review; deputy township supervisor.**

Sec. 61.

(1) The supervisor of each township is the chief assessor of the township. The township board may provide for the appointment of additional assessors. If the supervisor is not certified at the proper level, the township board shall provide for the appointment of properly certified assessors. The assessors so appointed shall receive compensation allowed by the township board. If assessors are appointed pursuant to this section, the supervisor shall be the chief assessing officer and the assessors shall be subordinate to the supervisor. Upon completion of the assessment and the making of the rolls, the rolls shall be deposited with the supervisor. The supervisor shall be secretary of the board of review.

(2) The township supervisor may appoint a deputy township supervisor, who shall serve at the pleasure of the supervisor. The deputy shall take an oath of office and file the oath with the township clerk. In case of the absence, sickness, death, or other disability of the supervisor, the deputy shall possess the powers and perform the duties of the supervisor, except the deputy shall not have a vote on the township board. The deputy shall be paid by salary or otherwise as the township board determines appropriate. With the approval of the supervisor, the deputy may assist the supervisor in the performance of the supervisor's duties at any additional times agreed upon between the township board and the supervisor, except the deputy shall not have a vote on the township board.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 553 ;-- CL 1871, 697 ;-- How. 733 ;-- CL 1897, 2332 ;-- Am. 1913, Act 347, Eff. Aug. 14, 1913 ;-- CL 1915, 2111 ;-- Am. 1919, Act 89, Eff. Aug. 14, 1919 ;-- Am. 1919, Act 355, Eff. Aug. 14, 1919 ;-- CL 1929, 1000 ;-- Am. 1935, Act 64, Eff. Sept. 21, 1935 ;-- CL 1948, 41.61 ;-- Am. 1957, Act 104, Eff. Sept. 27, 1957 ;-- Am. 1982, Act 230, Imd. Eff. Sept. 16, 1982 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.61a Township appraisal; employment of independent appraisal firm.**

Sec. 61a.

Any township board may employ an independent appraisal firm to make a township-wide appraisal or to assist the supervisor as directed and authorized by the board in performing his assessing duties. Such appraisal firm shall be paid out of the general fund of the township.

**History:** Add. 1958, Act 6, Eff. Sept. 13, 1958

**41.62 Books, assessment rolls, and other papers; preservation; delivery to successor in office; availability to public.**

Sec. 62.

The supervisor shall preserve and keep the books, assessment rolls, and other papers belonging to the

supervisor's office in a safe and suitable place, but not where the books, assessment rolls, and other papers will be exposed to an unusual hazard from fire or theft. The supervisor shall deliver the books, assessment rolls, and other papers on demand to his or her successor in office. The books, assessment rolls, papers, and any other writing prepared, owned, used, in the possession of, or retained by the supervisor in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 554 ;-- CL 1871, 698 ;-- Am. 1875, Act 178, Imd. Eff. May 1, 1875 ;-- How. 734 ;-- CL 1897, 2333 ;-- CL 1915, 2112 ;-- CL 1929, 1001 ;-- CL 1948, 41.62 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.63-41.64a Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed sections pertained to attendance at meetings by township supervisor, reports to township board, and township supervisor as agent for legal township business.

#### **41.64b Statements to supervisor; oath; oath of office.**

Sec. 64b.

(1) The supervisor of a township may place a person under oath on any of his or her statements made to the supervisor in his or her official capacity as supervisor.

(2) The supervisor of a township may administer the oath of office as provided in section 1 of article XI of the state constitution of 1963 to township officers.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 2012, Act 420, Imd. Eff. Dec. 21, 2012

Township Clerk.

#### **41.65 Custody of records, books, and papers; preservation; delivery to successor in office; accounts; accounting records; journals and ledgers.**

Sec. 65.

The township clerk of each township shall have custody of all the records, books, and papers of the township, when no other provision for custody is made by law. The township clerk shall file and safely keep all certificates of oaths and other papers required by law to be filed in his or her office, and shall record those items required by law to be recorded. These records, books, and papers shall not be kept where they will be exposed to an unusual hazard of fire or theft. The township clerk shall deliver the records, books, and papers on demand to his or her successor in office. The township clerk shall also open and keep an account with the treasurer of the township, and shall charge the treasurer with all funds that come into the treasurer's hands by virtue of his or her office, and shall credit him or her with all money paid out by the treasurer on the order of the proper authorities of the township, and shall enter the date and amount of all vouchers in a book kept by the township clerk in the office. The township clerk shall also open and keep a separate account with each fund belonging to the township, and shall credit each fund with the amounts that properly belong to it, and shall charge each fund with warrants drawn on the township treasurer and payable from that fund. The township clerk shall be responsible for the detailed accounting records of the township utilizing the uniform chart of accounts prescribed by the state treasurer. The township clerk shall prepare and maintain the journals and ledgers necessary to reflect the assets, liabilities, fund equities, revenues, and expenditures for each fund of the township.

**History:** R.S. 1846, Ch. 16 ;-- Am. 1850, Act 66, Imd. Eff. Mar. 5, 1850 ;-- CL 1857, 557 ;-- CL 1871, 701 ;-- Am. 1875, Act 178, Imd. Eff. May 1, 1875 ;-- How. 739 ;-- CL 1897, 2338 ;-- CL 1915, 2117 ;-- CL 1929, 1005 ;-- CL 1948, 41.65 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.66 Book of records; transcription of minutes of township meeting; entering order, direction, or rule; availability of book and other writings to public.**

Sec. 66.

The township clerk shall transcribe, in the book of records of the township, the minutes of the proceedings of each township meeting held in the township, and shall enter in the book, each order, direction, or rule made by the township meeting. The book and any other writing prepared, owned, used, in the possession of, or retained by the township clerk in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 558 ;-- CL 1871, 702 ;-- How. 740 ;-- CL 1897, 2339 ;-- CL 1915, 2118 ;-- CL 1929, 1006 ;-- CL 1948, 41.66 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977

**41.67 Return to county clerks of names and addresses of officers elected or appointed.**

Sec. 67.

The township clerk of each township, and the city clerk of each city, shall, immediately after the qualifying of the officers elected or appointed in their respective townships and cities, return to the clerks of their respective counties the names and addresses of all such officers.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 559 ;-- Am. 1869, Act 103, Eff. July 5, 1869 ;-- CL 1871, 703 ;-- Am. 1873, Act 53, Imd. Eff. Mar. 27, 1873 ;-- How. 741 ;-- Am. 1885, Act 55, Imd. Eff. Apr. 23, 1885 ;-- CL 1897, 2340 ;-- CL 1915, 2119 ;-- CL 1929, 1007 ;-- CL 1948, 41.67 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.68 Repealed. 1974, Act 26, Imd. Eff. Feb. 26, 1974.**

**Compiler's Notes:** The repealed section pertained to notice of election of justice of the peace.

**41.69 Township clerk; bond; deputy.**

Sec. 69.

Each township clerk, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with sureties that the township board requires and approves, conditioned for the faithful discharge of the duties of the office according to law, including the safekeeping of the records, books, and papers of the township in the manner required by law, and for their delivery on demand to the township clerk's successor in office. The bond shall be filed in the office of the supervisor. The township clerk shall appoint a deputy, who shall serve at the pleasure of the clerk. The deputy shall take an oath of office and file the oath with the clerk. In case of the absence, sickness, death, or other disability of the clerk, the deputy shall possess the powers and perform the duties of the clerk, except the deputy shall not have a vote on the township board. The deputy shall be paid by salary or otherwise as the township board determines. With the

approval of the township clerk, the deputy may assist the township clerk in the performance of the township clerk's duties at any additional times agreed upon between the board and the clerk, except the deputy shall not have a vote on the township board.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 561 ;-- CL 1871, 705 ;-- Am. 1875, Act 178, Imd. Eff. May 1, 1875 ;-- How. 743 ;-- CL 1897, 2342 ;-- CL 1915, 2121 ;-- CL 1929, 1009 ;-- CL 1948, 41.69 ;-- Am. 1977, Act 33, Imd. Eff. June 22, 1977 ;-- Am. 1982, Act 230, Imd. Eff. Sept. 16, 1982 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### Township Board.

### **41.70 Township board; membership; quorum; adoption of section.**

Sec. 70.

The supervisor, 2 trustees, the township treasurer, and the township clerk constitute the township board, and any 3 of them constitute a quorum for the transaction of business at a meeting of the township board. However, in townships having a population of 5,000 or more as determined by the last federal decennial census or having 3,000 or more registered electors, the supervisor, the township treasurer, the township clerk, and 4 trustees, to be elected by the registered electors of the township as provided in sections 358 and 362 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.358 and 168.362 of the Michigan Compiled Laws, constitute the township board, and any 4 of them constitute a quorum for the transaction of business. The township clerk in such a township shall be the clerk of the township board. However, this subsection does not apply unless the electors of a township having a population of 5,000 or more, or having 3,000 or more registered electors, adopt the provisions of this section by a majority vote at an annual or special township meeting of the electors or adopted the provisions of this section before December 22, 1952.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 562 ;-- CL 1871, 706 ;-- How. 744 ;-- CL 1897, 2343 ;-- CL 1915, 2122 ;-- CL 1929, 1010 ;-- Am. 1935, Act 19, Eff. Sept. 21, 1935 ;-- Am. 1937, Act 81, Eff. Oct. 29, 1937 ;-- Am. 1945, Act 23, Eff. Sept. 6, 1945 ;-- CL 1948, 41.70 ;-- Am. 1949, Act 9, Imd. Eff. Mar. 8, 1949 ;-- Am. 1952, Ex. Sess., Act 2, Imd. Eff. Dec. 22, 1952 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Compiler's Notes:** Section 171.13, referred to in this section, was repealed by Act 116 of 1954. See now MCL 168.1 et seq.

### **41.71 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed section pertained to raising quorum.

### **41.72 Fiscal year; commencement and termination; proportionate extension or reduction.**

Sec. 72.

The fiscal year of a township may commence on July 1 of each year and end on the following June 30, or it may commence on April 1 of each year and end on the following March 31. If a budget has been adopted, an audit performed, or other actions or proceedings taken before July 1, based upon a fiscal year ending in March, the fiscal year shall be proportionately extended or reduced to coincide with the fiscal year as provided in this section without impairment of township functions, services, or activities.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 564 ;-- CL 1871, 708 ;-- How. 746 ;-- CL 1897, 2345 ;-- Am. 1905, Act 149, Eff. Sept. 16, 1905 ;-- CL 1915, 2124 ;-- CL 1929, 1012 ;-- CL 1948, 41.72 ;-- Am. 1971, Act 159, Eff. Mar. 30, 1972 ;-- Am. 1978, Act 596, Imd. Eff. Jan. 4, 1979 ;-- Am. 1980, Act 291, Eff. Mar. 31, 1981 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.72a Township board; regular and special meetings; time and place; moderator; transaction of business; publication of proceedings; adjusted amount.**

Sec. 72a.

(1) The township board shall provide by resolution for the time and place of its regular meetings, and shall hold not less than 1 regular meeting every 3 months. If a time set for a regular meeting of the township board is a holiday, as designated by the township board, the regular meeting shall be held at the same time and place on the next secular day that is not a holiday.

(2) A special meeting of the township board shall be held at a time fixed by the board at a meeting or when the supervisor considers it necessary. Upon call of the supervisor, the township clerk shall give notice of the time and place of the meeting to each member, either in person or by leaving a written notice at the member's address. A special meeting of the township board shall be called by the township clerk upon receiving a written request for the meeting signed by a majority of the township board members.

(3) The supervisor, if present, shall be the moderator of a regular or special meeting of the township board. If the supervisor is not present, the township board, under the direction of the township clerk, shall elect by voice vote a member of the township board as a moderator of the meeting. The township clerk has the same powers and duties as the moderator until a moderator is chosen.

(4) The township board shall not transact business at a special meeting unless the business was stated in the notice of the meeting. However, if all the members of the board are present at a special meeting, business that might lawfully come before a regular meeting of the board may be transacted at the special meeting.

(5) Subject to subsection (6), if a township has a taxable value, as calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27A, of \$50,000,000.00 or more, the township board, not more than 21 days after a meeting of the board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The publication of a synopsis of the proceedings, prepared by the township clerk and approved by the supervisor, showing the substance of each separate proceeding of the board is a sufficient compliance with the requirements of this subsection.

(6) The \$50,000,000.00 amount provided for in subsection (5) shall be adjusted as of January 1 of each year, beginning January 1, 1998. The department of treasury shall determine on or before December 1 of each year, beginning December 1, 1997, an adjusted amount for the following year. The adjusted amount for each year shall be determined by comparing the consumer price index for the 12-month period ending the preceding October 31 with the corresponding consumer price index of 1 year earlier. The percentage increase or decrease shall then be multiplied by the current adjusted amount. The product shall be rounded up to the nearest multiple of \$1,000,000.00 and shall be the new adjusted amount. The department of treasury shall provide the adjusted amount upon request. As used in this section, "consumer price index" means the annual average percentage increase in the Detroit consumer price index for all items as reported by the United States department of labor.

**History:** Add. 1951, Act 46, Imd. Eff. May 14, 1951 ;-- Am. 1971, Act 159, Eff. Mar. 30, 1972 ;-- Am. 1973, Act 95, Imd. Eff. Aug. 8, 1973 ;-- Am. 1980, Act 264, Imd. Eff. Sept. 16, 1980 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 1996, Act 465, Imd. Eff. Dec. 26, 1996 ;-- Am. 1999, Act 198, Imd. Eff. Dec. 20, 1999

**41.72b Conducting business at public meeting; notice of meeting.**

Sec. 72b.

The business which the township board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

**History:** Add. 1960, Act 19, Eff. Aug. 17, 1960 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977

**41.73, 41.74 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed sections pertained to auditing accounts, preservation of records, bond of township clerk, and township clerk as clerk of board.

#### **41.75 Approval and payment of claims against township; filing and preservation of accounts; authorized payments.**

Sec. 75.

In addition to other business matters that may be acted upon at a regular meeting of the township board, the township board shall approve claims against the township and authorize payment of allowed claims. Accounts approved by the township board shall be filed and preserved by the township clerk. The payments authorized shall be paid by the treasurer, on the order of the township board, signed by the township clerk.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 567 ;-- CL 1871, 711 ;-- How. 749 ;-- Am. 1887, Act 63, Imd. Eff. Apr. 9, 1887 ;-- CL 1897, 2348 ;-- CL 1915, 2127 ;-- CL 1929, 1015 ;-- CL 1948, 41.75 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Compiler's Notes:** For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.

#### **41.75a Township manager and other employees; employment; duties.**

Sec. 75a.

The township board may employ a township manager and other employees as are necessary. They shall serve at the pleasure of the township board and shall perform duties lawfully directed by the township board, except those duties that are delegated by law to another township official, unless consent has been granted.

**History:** Add. 1972, Act 90, Imd. Eff. Mar. 20, 1972 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.75b Energy conservation improvements; acquisition or financing; payment; acquisition by contract, lease-purchase agreement, or notes; reports; forms; terms of lease-purchase agreement.**

Sec. 75b.

(1) A township board may provide for the acquisition or financing of energy conservation improvements to be made to township facilities or infrastructure and may pay for the improvements or the financing or refunding of the improvements from operating funds of the township or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating, ventilating, or air-conditioning system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating, ventilating, or air-conditioning controls, entrance or exit way closures, information technology improvements associated with an energy conservation improvement, and municipal utility improvements associated with an energy conservation improvement.

(2) The township board may acquire, finance, or refund 1 or more of the energy conservation improvements described in subsection (1) by installment contract, which may include a lease-purchase agreement described in subsection (5), or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract, a lease-purchase agreement described in subsection (5), or notes issued pursuant to this subsection shall extend for a period of time not to exceed 20 years from the date of the final completion of the energy conservation improvements or the useful life of the aggregate energy conservation improvements, whichever



is less. Notes issued pursuant to this subsection shall be full faith and credit, tax limited obligations of the township, payable from tax levies and the general fund as pledged by the township board. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. A lease-purchase agreement issued pursuant to this subsection shall not be subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, and shall not be a municipal security or a debt as those terms are defined in that act. This subsection does not limit in any manner the borrowing or bonding authority of a township as provided by law.

(3) Prior to entering into a contract for energy conservation improvements under this section, the township board shall determine the following information and, within 60 days of the completion of the improvements, shall report the following information to the Michigan public service commission:

(a) Name of each facility to which an improvement is made and a description of the energy conservation improvement.

(b) Actual energy consumption during the 12-month period before commencement of the improvement.

(c) Project costs and expenditures, including the total of all lease payments over the duration of the lease-purchase agreement.

(d) Estimated annual energy savings, including projected savings over the duration of the installment contract.

(4) If energy conservation improvements are made as provided in this section, the township board shall report to the Michigan public service commission, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the Michigan public service commission.

(5) An installment contract described in this section may include a lease-purchase agreement, which may be a multiyear contractual obligation that provides for automatic renewal unless positive action is taken by the legislative body to terminate that contract. Payments under a lease-purchase agreement shall be a current operating expense subject to annual appropriations of funds by the legislative body and shall obligate the legislative body only for those sums payable during the fiscal year of contract execution or any renewal year thereafter. The legislative body may make payments under a lease-purchase agreement from any legally available funds or from a combination of energy or operational savings, capital contributions, future replacement costs avoided, or billable revenue enhancements that result from energy conservation improvements, provided that the legislative body has determined that those funds are sufficient to cover, in aggregate over the full term of the contractual agreement, the cost of the energy conservation improvements. The lease-purchase agreement will terminate immediately and absolutely and without further obligation on the part of the legislative body at the close of the fiscal year in which it was executed or renewed or at such time as appropriated and otherwise unobligated funds are no longer available to satisfy the obligations of the legislative body under the lease-purchase agreement. During the term of the lease-purchase agreement, the legislative body shall be the vested owner of the energy conservation improvements and may grant a security interest in the energy conservation improvements to the provider of the lease-purchase agreement. Upon the termination of the lease-purchase agreement and the satisfaction of the obligations of the legislative body, the provider of the lease-purchase agreement shall release its security interest in the energy conservation improvements.

**History:** Add. 1984, Act 403, Imd. Eff. Dec. 28, 1984 ;-- Am. 1990, Act 230, Imd. Eff. Oct. 8, 1990 ;-- Am. 2002, Act 226, Imd. Eff. Apr. 29, 2002 ;-- Am. 2016, Act 122, Eff. Aug. 17, 2016

**Compiler's Notes:** For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

Treasurer.

#### **41.76 Township treasurer; duties generally.**

Sec. 76.

The township treasurer shall receive and take charge of money belonging to the township, or that is by law required to be paid into the township treasury, and shall pay over and account for the money, according to the order of the township board, or the authorized officers of the township.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 568 ;-- CL 1871, 712 ;-- Am. 1877, Act 124, Eff. Aug. 21, 1877 ;-- How. 751 ;-- CL 1897, 2353 ;-- CL 1915, 2133 ;-- CL 1929, 1016 ;-- Am. 1933, Act 43, Eff. Oct. 17, 1933 ;-- Am. 1935, Act 16, Eff. Sept. 21, 1935 ;-- CL 1948, 41.76 ;-- Am. 1972, Act 177, Eff. Mar. 30, 1973 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.77 Township treasurer; bond; deposit of funds; limitation as to assets; deputy; financial institution defined.**

Sec. 77.

(1) A township treasurer, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with the sureties as the township board shall require and approve, conditioned on the faithful discharge of the duties of the office and that the treasurer will account for and pay over according to law, all money that comes into the treasurer's hands as treasurer, and the supervisor shall indorse approval on the bond. The treasurer shall file, within the time above mentioned, the bond with the township clerk of the township, who shall record the bond in a book to be provided for that purpose. The township clerk, after recording the bond, shall deliver it to the supervisor, who shall file it in the supervisor's office.

(2) The township board of a township may provide by resolution for the depositing of money coming into the hands of the treasurer of the township, and the treasurer shall deposit the money in the financial institution the township board may direct, subject to this act. Interest that accrues upon the deposit shall be paid into the general fund of the township. The township board of a township shall determine in the resolution the time for which the deposits shall be made and all details for carrying into effect the authority given in this act, but proceedings in connection with the deposit of money shall be conducted in a manner to ensure full publicity and shall be open at all times to public inspection.

(3) If a financial institution is provided as authorized in this act, and the funds are deposited as directed, the treasurer of the township and the treasurer's bondsmen are relieved of liability occasioned by the failure of the financial institution of deposit or the sureties for the financial institution, or by the failure of either of them to safely keep and repay the funds.

(4) Assets acceptable for pledging to secure deposits of township funds are limited to any of the following:

(a) Assets considered acceptable to the state treasurer under section 3 of 1855 PA 105, MCL 21.143, to secure deposits of state surplus funds.

(b) Any of the following:

(i) Securities issued by the federal home loan mortgage corporation.

(ii) Securities issued by the federal national mortgage association.

(iii) Securities issued by the government national mortgage association.

(c) Other securities considered acceptable to the township and the financial institution.

(5) The treasurer shall appoint a deputy, who shall serve at the pleasure of the treasurer. The deputy shall file an oath of office with the township clerk and shall give a bond to the township as required by the township board. The deputy, in case of the absence, sickness, death, or other disability of the treasurer, shall possess the powers and perform the duties of the treasurer, except the deputy shall not have a vote on the township board. The deputy shall be paid as the township board determines. With the approval of the township treasurer, the deputy may assist the treasurer in the performance treasurer's duties at any additional times agreed upon between the board and the treasurer, except the deputy shall not have a vote on the township board.

(6) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in this state under the laws of this state or the United States.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 569 ;-- Am. 1869, Act 90, Eff. July 5, 1869 ;-- CL 1871, 713 ;-- How. 752 ;-- CL 1897, 2354 ;-- Am. 1903, Act 29, Imd. Eff. Apr. 9, 1903 ;-- Am. 1909, Act 305, Eff. Sept. 1, 1909 ;-- CL 1915, 2134 ;-- CL 1929, 1017 ;-- CL 1948, 41.77 ;-- Am. 1962, Act 30, Eff. Mar. 28, 1963 ;-- Am. 1964, Act 35, Imd. Eff. May 4, 1964 ;-- Am. 1973, Act 170, Imd. Eff. Dec. 14, 1973 ;-- Am. 1977, Act 33, Imd. Eff. June 22, 1977 ;-- Am. 1982, Act 230, Imd. Eff. Sept. 16, 1982 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 1997, Act 22, Imd. Eff. June 12, 1997

**41.78 Account of receipts and expenditures; book or electronic means; delivery to successor in office; availability of documents to public.**

Sec. 78.

(1) At the expense of the township, each township treasurer shall keep an accurate account of the receipts and

expenditures of township money in a book or by electronic means which meets the uniform accounting requirements of the state treasurer. The account shall reflect the amount of money belonging to each of the several funds of the township and shall be delivered in a timely manner to the township treasurer's successor in office.

(2) Any document prepared, owned, used, in the possession of, or retained by the township treasurer in the performance of an official function shall be available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 570 ;-- CL 1871, 714 ;-- How. 753 ;-- CL 1897, 2355 ;-- CL 1915, 2135 ;-- CL 1929, 1018 ;-- CL 1948, 41.78 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 2006, Act 651, Imd. Eff. Jan. 5, 2007

#### **41.79 Repealed. 1972, Act 178, Eff. Mar. 30, 1973.**

**Compiler's Notes:** The repealed section pertained to accounting by treasurer.

Constables.

#### **41.80 Constables; bond required.**

Sec. 80.

Every person elected or appointed to the office of constable, before taking office and within the time prescribed by law for filing the official oath, shall execute, with sufficient sureties to be approved by the township board, an instrument in writing by which the constable and his or her sureties jointly and severally agree to pay to each person who may be entitled money that the constable becomes liable to pay on account of the neglect or default of the constable in the service or return of process that may be delivered to him or her for service or collection or on account of misfeasance of the constable in the discharge of, or failure of the constable to faithfully perform, the duties of his or her office.

**History:** R.S. 1846, Ch. 16 ;-- Am. 1855, Act 51, Eff. May 15, 1855 ;-- CL 1857, 572 ;-- CL 1871, 723 ;-- Am. 1881, Act 166, Eff. Sept. 10, 1881 ;-- How. 762 ;-- CL 1897, 2364 ;-- CL 1915, 2144 ;-- CL 1929, 1020 ;-- CL 1948, 41.80 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.81 Constables; bond; filing; certified copy as evidence of contents and execution; actions against constables or sureties upon bond.**

Sec. 81.

The bond required in section 80 shall be filed in the office of the township clerk, and a copy of the bond certified by the township clerk is presumptive evidence of the contents and execution of the bond. Actions against a constable or his or her sureties upon such a bond shall be commenced within 6 years after the expiration of the year in which commenced the term of office during which the neglect, default, misfeasance, or failure occurred.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 573 ;-- CL 1871, 724 ;-- How. 763 ;-- CL 1897, 2365 ;-- CL 1915, 2145 ;-- CL 1929, 1021 ;-- CL 1948, 41.81 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.82 Constables; service of warrants, notices, and process; duties; ordinance restricting or limiting powers;**

**compliance with minimum employment standards; cost of compliance; appointment as district court officer.**

Sec. 82.

(1) Constables shall serve all warrants, notices, and process lawfully directed to them by the township board, or the township clerk, or another officer, and shall perform other duties as are required of them by law. A township board, by ordinance, may restrict or limit the powers of a township constable prescribed by state law. If the township requires the constable to perform both statutory criminal and civil duties, a person elected or appointed to the office of township constable shall comply with the minimum employment standards established by the law enforcement officer training council pursuant to section 9 of Act No. 203 of the Public Acts of 1965, as amended, being section 28.609 of the Michigan Compiled Laws. The cost of complying with these standards shall be borne by the township.

(2) A township constable may be appointed as a district court officer by the district court and may perform the duties permitted pursuant to chapter 83 of Act No. 236 of the Public Acts of 1961, as amended, being sections 600.8301 to 600.8395 of the Michigan Compiled Laws. The employment standards of subsection (1) shall not apply when a township constable is appointed as a district court officer.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 574 ;-- CL 1871, 725 ;-- How. 764 ;-- CL 1897, 2366 ;-- CL 1915, 2146 ;-- CL 1929, 1022 ;-- CL 1948, 41.82 ;-- Am. 1976, Act 426, Imd. Eff. Jan. 11, 1977

**41.83 Constables; service of writ, process, or order.**

Sec. 83.

A constable may serve any writ, process, or order lawfully directed to him or her in any township in his or her county.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 575 ;-- CL 1871, 726 ;-- How. 765 ;-- CL 1897, 2367 ;-- CL 1915, 2147 ;-- CL 1929, 1023 ;-- CL 1948, 41.83 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.83a Constable or police officers; right to pursue, arrest, and detain person outside of township limits.**

Sec. 83a.

If a person has committed a civil infraction violation under the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws, within a township, or has committed or is suspected of having committed any crime within a township, or has escaped from any prison or jail in that township, the constable or police officers of that township shall have the same right to pursue, arrest, and detain the person outside of the township limits as does the sheriff of the county.

**History:** Add. 1983, Act 8, Imd. Eff. Mar. 18, 1983

**41.83b Police officer or constable; authority to execute bench warrant.**

Sec. 83b.

A police officer of a township or, if authorized by the township board, a constable of a township has the same authority within the township as a deputy sheriff to execute a bench warrant for arrest issued by a court of record or a municipal court.

**History:** Add. 1992, Act 44, Imd. Eff. May 12, 1992

#### **41.84 Constables; attendance at sessions of circuit courts; notice; payment.**

Sec. 84.

Constables shall attend the sessions of the circuit courts for their respective counties when notified for that purpose by the sheriff and paid by their respective counties.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 576 ;-- CL 1871, 727 ;-- How. 766 ;-- CL 1897, 2368 ;-- CL 1915, 2148 ;-- CL 1929, 1024 ;-- CL 1948, 41.84 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

Justices of the Peace.

#### **41.90-41.94 Repealed. 1974, Act 26, Imd. Eff. Feb. 26, 1974.**

Compensation to Township Officers.

#### **41.95 Salary for officers composing township board; procedures.**

Sec. 95.

(1) In a township that holds an annual meeting of the electors of the township as provided in section 8, the officers composing the township board are entitled to the salary as determined by resolution adopted by the township board at least 30 days prior to the annual meeting of the township electors. The resolution shall establish the effective date of the salary, which shall be during the next fiscal year. The electors at the subsequent annual meeting of the electors may alter the amount of salary fixed by the resolution. If the electors fail to act on the salary resolution, the officers are entitled to the salary set in the resolution.

(2) A trustee may receive, in addition to the annual salary for his or her service to the township, a sum for each meeting of the board actually attended by the trustee, as established by the township board, to be paid upon authorization of the township board. The supervisor, clerk, and treasurer shall receive no additional compensation for attending meetings of the township board. Members of the township board may be reimbursed for reasonable expenses actually incurred on behalf of the township. An official appointed to fill a vacancy of an elective township office shall be entitled to the same compensation as that established for the official who previously held that office. The salary of an elected township official or an official appointed to fill a vacancy shall not be decreased during the official's term of office unless the responsibilities and requirements of that office are diminished and the official consents in writing to the reduction in salary. However, if a township in setting a township supervisor's salary has designated a portion of the supervisor's salary to be paid the supervisor for directly performing the property tax assessing function within the township and the supervisor subsequently fails to perform that function, the salary of the supervisor may be reduced by that portion of the supervisor's salary designated for the direct performance of the property tax assessment function. Nevertheless, that portion of a supervisor's salary designated for nonassessment functions shall not be decreased during the supervisor's term of office without the supervisor's written consent.

(3) In a township that, pursuant to section 8, does not hold an annual township meeting and in a charter township created under Act No. 359 of the Public Acts of 1947, as amended, being sections 42.1 to 42.34 of the Michigan Compiled Laws, the salary for officers composing the township board shall be determined by the township board. If a petition is filed within 30 days after the township board votes the salary signed by 10% of the qualified electors of the township requesting that the question be submitted to the electorate, the township board shall call a special election and submit the question of salary to the electors. The vote upon the question of approving the resolution shall be by a ballot which shall be in substantially the following form:

"Vote on proposition of approving a resolution of the township board providing a salary of ..... dollars, per annum, to the ....., in place of all per diem charges for services.

Make a cross in the appropriate square.

To approve the resolution. Yes [ ]

To approve the resolution. No [ ]"

If a majority of the electors voting upon the resolution disapprove the resolution, then, effective on the date of the certification of the election results by the board of canvassers, the officer's salary shall revert to the salary for that office in effect before the adoption of the resolution. If a majority of the electors voting upon the resolution approve the resolution, the officer shall receive the salary set forth in the resolution.

(4) In place of the procedures in subsections (1), (2), and (3) for determining salaries of elected officials, the township board may by ordinance establish the procedure described in this subsection. The ordinance shall provide as follows:

(a) A local officials compensation commission is created. The commission shall determine the salary of each township elected official. The commission shall consist of 5 members who are registered electors of the township, appointed by the supervisor subject to confirmation by a majority of the members elected and serving on the township board. The terms of office shall be 5 years, except that of the members first appointed, 1 each shall be appointed for terms of 1, 2, 3, 4, and 5 years. The first members shall be appointed within 30 days after the effective date of the ordinance. Subsequent members shall be appointed within 30 days after a term expires or a vacancy occurs. Vacancies shall be filled for the remainder of an unexpired term. An officer or employee of a government agency or unit or member of the immediate family of an officer or employee shall not be appointed to the commission.

(b) The commission shall determine the salary of each member of the township board, which shall be effective at the beginning of the next fiscal year. The determination of the commission shall be the salary unless the township board by resolution adopted by 2/3 of the members elected to and serving on the board rejects the determination. The determination of the commission shall be effective 30 days following filing of the determination with the township clerk unless rejected by the township board. If the determination is rejected, the existing salary shall prevail. An expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of township business and accounted for to the township.

(c) The commission shall meet for not more than 15 session days in each odd numbered year and shall make its determination within 45 calendar days of its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The commission shall not take action or make a determination without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members. As used in this section, "session days" means calendar days on which the commission meets and a quorum is present. The members of the commission shall not receive compensation, but shall be entitled to actual and necessary expenses incurred in the performance of official duties.

(5) The township board may implement the ordinance by resolution including the date for convening the commission.

(6) Not more than 60 days after the effective date of the ordinance, a petition for a referendum on the ordinance may be filed with the township clerk containing the signatures of not less than 5% of the registered electors of the township on the effective date of the ordinance in which case the election shall be conducted in the same manner as an election on a resolution under subsection (3). If a petition for referendum is filed, a determination of the commission shall not be effective until the ordinance has been approved by the electors.

(7) The salary of an elected township official shall not be decreased during the official's term of office.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 587 ;-- Am. 1867, Act 179, Imd. Eff. Mar. 27, 1867 ;-- CL 1871, 741 ;-- How. 774 ;-- CL 1897, 2374 ;-- Am. 1907, Act 98, Eff. Sept. 28, 1907 ;-- Am. 1911, Act 260, Imd. Eff. May 1, 1911 ;-- Am. 1915, Act 248, Eff. Aug. 24, 1915 ;-- CL 1915, 2154 ;-- Am. 1917, Act 89, Eff. Aug. 10, 1917 ;-- Am. 1921, Act 57, Eff. Aug. 18, 1921 ;-- Am. 1923, Act 291, Imd. Eff. May 25, 1923 ;-- Am. 1925, Act 197, Imd. Eff. May 6, 1925 ;-- Am. 1929, Act 61, Imd. Eff. Apr. 18, 1929 ;-- CL 1929, 1030 ;-- Am. 1933, Act 97, Imd. Eff. May 31, 1933 ;-- Am. 1937, Act 24, Imd. Eff. Apr. 30, 1937 ;-- Am. 1941, Act 284, Eff. Jan. 10, 1942 ;-- Am. 1943, Act 126, Eff. July 30, 1943 ;-- CL 1948, 41.95 ;-- Am. 1949, Act 25, Imd. Eff. Mar. 29, 1949 ;-- Am. 1956, Act 223, Eff. Aug. 11, 1956 ;-- Am. 1966, Act 94, Imd. Eff. June 16, 1966 ;-- Am. 1974, Act 176, Imd. Eff. June 23, 1974 ;-- Am. 1975, Act 21, Imd. Eff. Apr. 4, 1975 ;-- Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**Compiler's Notes:** MCL 41.95 of Chapter 16 of the Revised Statutes of 1846 was amended by 1911 PA 260 to adopt a township compensation plan. The House of Representatives added enacting section 2 to provide that "This act shall not take effect until ratified by the electors of said township." The act was approved May 1, 1911. On September 8, 1911, the Attorney General (p. 99, 1912 Attorney General Report) opined that the act could not become effective because it provided no adequate machinery for its adoption. Enacting section 2 was subsequently repealed by 1915 PA 248.

#### **41.96 Township officers; extra services, compensation.**

Sec. 96.

For services not otherwise provided for by law, rendered to townships by township officers in the duties of their respective offices, the township board shall audit and allow such compensation as they shall deem reasonable.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 588 ;-- CL 1871, 742 ;-- How. 775 ;-- CL 1897, 2375 ;-- CL 1915, 2155 ;-- CL 1929, 1031 ;-- CL 1948, 41.96

#### **Township Business, Other Than Elections.**

#### **41.97 Moderator of township meeting.**

Sec. 97.

The supervisor, if present, shall be the moderator of an annual or special township meeting of the electors, and if he or she is not present, the meeting, under the direction of the township clerk, shall elect by voice vote, a moderator of the meeting. However, the township clerk has the same powers and duties as the moderator until a moderator is chosen.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 589 ;-- CL 1871, 743 ;-- How. 776 ;-- CL 1897, 2376 ;-- CL 1915, 2156 ;-- CL 1929, 1032 ;-- CL 1948, 41.97 ;-- Am. 1956, Act 105, Eff. Aug. 11, 1956 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.98 Duties of moderator.**

Sec. 98.

The moderator of a meeting of the electors shall preside in and regulate the proceedings of a meeting of the electors. He or she shall decide all questions of order and make public declaration of all votes passed, and if a vote so declared by him or her shall immediately upon such declaration be questioned, he or she shall make the vote certain by polling the voters, or dividing the meeting, unless the township, by a previous vote or by its bylaws, has otherwise provided.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 590 ;-- CL 1871, 744 ;-- How. 777 ;-- CL 1897, 2377 ;-- CL 1915, 2157 ;-- CL 1929, 1033 ;-- CL 1948, 41.98 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.99 Permission required to address meeting; request for silence.**

Sec. 99.

A person shall not address a meeting of the electors until permission is obtained from the moderator, nor while any other person is speaking. All persons at a meeting of the electors shall be silent at the request of the moderator.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 591 ;-- CL 1871, 745 ;-- How. 778 ;-- CL 1897, 2378 ;-- CL 1915, 2158 ;-- CL 1929, 1034 ;-- CL 1948, 41.99 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989



**41.100 Repealed. 1977, Act 159, Imd. Eff. Nov. 8, 1977.**

**Compiler's Notes:** The repealed section pertained to disorderly conduct at township meeting.

**41.101 Exclusion of person from public meeting; refusal to withdraw as misdemeanor; penalty.**

Sec. 101.

A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting. A person who refuses to withdraw from a public meeting, on being ordered by the moderator to do so, is guilty of a misdemeanor punishable by a fine not exceeding \$50.00.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 593 ;-- CL 1871, 747 ;-- How. 780 ;-- CL 1897, 2380 ;-- CL 1915, 2160 ;-- CL 1929, 1036 ;-- CL 1948, 41.101 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

Qualifications of Voters and Officers.

**41.102 Right to vote; challenge; ruling.**

Sec. 102.

An elector of the township shall have a right to vote on all matters and questions before any township meeting of the electors, and when any person claiming the right to vote is challenged, the moderator shall rule on the challenged person's qualifications as an elector.

**History:** R.S. 1846, Ch. 16 ;-- CL 1857, 594 ;-- CL 1871, 748 ;-- How. 781 ;-- CL 1897, 2381 ;-- CL 1915, 2161 ;-- CL 1929, 1050 ;-- CL 1948, 41.102 ;-- Am. 1963, 2nd Ex. Sess., Act 1, Imd. Eff. Dec. 27, 1963 ;-- Am. 1989, Act 77, Imd. Eff. June 20, 1989

**41.103 Polling places.**

Sec. 103.

A township board may provide polling places located within the limits of a city that has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at this polling place.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

**Compiler's Notes:** Former MCL 41.103, which pertained to eligibility for elective township office, was repealed by Act 19 of 1972, Imd. Eff. Feb. 19, 1972.

**41.104 Limits and boundary lines of organized township; division of lands into 2 or more townships; agreement as dispositive of lands and apportionment of proceeds; annexation; sale and conveyance of lands; apportionment of proceeds.**

Sec. 104.

(1) The limits and boundary lines of every organized township in existence on the effective date of the amendatory act that added this section shall remain as established until otherwise provided by law.



(2) If, as provided by law, lands owned by a township are divided into 2 or more townships, the township boards of the townships constituted by the division shall jointly meet as soon as possible after the first township meetings of the electors held in each of the townships. At the meeting, the township boards may make an agreement concerning the disposition of township lands and the apportionment of the proceeds of a sale of those lands, as they think equitable, and take measures, and execute conveyances necessary to implement the agreement.

(3) If a township's boundary is altered by annexing a part of its territory to 1 or more townships, the township board of the township from which the territory is to be taken and the township board of the township or townships to which the territory is to be annexed shall jointly meet as soon as possible after the annexation and shall possess the powers provided in subsection (2).

(4) If an agreement for the disposition of lands altered pursuant to this section is not made by the township boards within 6 months after the alteration or division, the township board of each township in which any portion of these lands are located shall proceed as soon as possible to sell and convey the part of the lands that are located within the limits of that township. The proceeds arising from this sale shall be apportioned between the several townships by the township boards of all of these townships, according to the amount of taxable property in the township divided or altered, as it existed immediately before the division or alteration, to be ascertained by the last assessment roll of the township.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.105 Apportionment of money, rights, credits, and other personal estate.**

Sec. 105.

If a township possessed of or entitled to money, rights, credits, or other personal estate is divided or altered, the money, rights, credits, and other personal estate, shall be apportioned between the interested townships by the township boards of these townships according to the rule of apportionment above prescribed. The township boards of these townships shall jointly meet for that purpose as soon as possible after each township holds its first subsequent township meeting.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.106 Meeting of township boards; notice; compliance with open meetings act.**

Sec. 106.

If a meeting of the township boards of 2 or more townships is required pursuant to sections 104 to 109 of this chapter, a meeting may be called by any of the supervisors, but the supervisor calling the meeting shall give in writing to all the other officers at least 6 days' notice of the time and place at which the meeting is to be held. The meeting shall be held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.107 Cemeteries.**

Sec. 107.

Sections 104 to 106 of this chapter shall not apply to a cemetery belonging to a township. Such a cemetery shall belong to the township within which it is situated after a division is made.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.108 Apportionment of debts.**

Sec. 108.

Debts of a township divided or altered as provided in this chapter shall be apportioned in the same manner as the personal property of the township. After the apportionment of the debts, each township shall be charged with and pay its share of the debts, according to the apportionment.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.109 Liability in action for accounting and settlement; applicable law.**

Sec. 109.

If the township board or boards of any townships, or the proper board of officers of any village or city, neglect or refuse to meet as provided in this chapter, or having met refuse or neglect to arrive at a settlement of the matters of in difference between them, as provided in this chapter, the township, city, or village whose board refuses or neglects to settle the matters of difference shall be liable in an action for an accounting and settlement in the same manner as is provided for conflicts between individuals or private corporations. The provisions of sections 104 to 109 relative to settlements between townships regarding divisions shall be applicable to villages and cities, so far as those provisions may be applied.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

**Compiler's Notes:** In this section, the phrase "of the matters of in difference" evidently should read "of the matters of difference."

#### **41.110 Transfer of unexpended balance in nonrestricted township fund to general fund of township.**

Sec. 110.

(1) The township board may, by resolution, transfer the unexpended balance in a nonrestricted township fund to the general fund of the township after provision has been made for the payment of unpaid warrants or orders drawn on the nonrestricted fund and for claims and accounts then existing which, when audited and allowed, would be payable out of that fund.

(2) If a transfer of funds is authorized pursuant to subsection (1), the treasurer of the township shall provide for the transfer of funds when and as authorized by the township board.

(3) A township board shall not transfer the unexpended balance of any township fund under this section if unpaid bonds payable from the fund are outstanding.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

#### **41.110a Uniform chart of accounts and reports; annual financial reports and audits.**

Sec. 110a.

The township board of a township shall establish a uniform chart of accounts and reports and provide annual

financial reports and audits in accordance with the uniform budgeting and accounting act, Act No. 2 of the Public Acts of 1968, being sections 141.421 to 141.440a of the Michigan Compiled Laws.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989

**41.110b Retirement system; insurance; deduction of premium or charge; automatic insurance or coverage; notice of desire not to be insured or covered; validity of prior programs, insurance, or coverage; authority in addition to existing powers; exercise of powers by ordinance.**

Sec. 110b.

(1) Subject to the protecting local government retirement and benefits act, a township may do all of the following:

(a) Establish a retirement system for its employees and provide for financing, funding, and the payment of benefits in the same manner and to the same extent as permitted counties under section 12a of 1851 PA 156, MCL 46.12a, or make contracts of insurance with an insurance company authorized to transact business within this state.

(b) Make arrangements with a prepayment plan authorized to transact business within this state, insuring and covering 1 or more of the following under policies of group insurance or prepayment plan contracts, or both, covering life, accident, dental care, vision care, health, hospitalization, and medical and surgical service and expense insurance:

(i) Elected or appointed township officers and employees, and dependents of those officers or those employees.

(ii) Any classes of elected or appointed township officers and employees, and dependents of those officers or those employees.

(iii) Any classes of retired township officers and employees, and dependents of those officers or those employees.

(c) Establish a cafeteria plan authorized under section 125 of the internal revenue code of 1986, 26 USC 125, for its elected or appointed officers and employees, any classes of elected or appointed officers and employees, and dependents of those officers and those employees. As used in this subdivision, "cafeteria plan" means that term as defined in section 125 of the internal revenue code of 1986, 26 USC 125.

(d) Contract with a company that grants annuities or pensions for the pensioning of the officers and employees and for these purposes pay any part of the premiums or charges for insurance, prepayment plan coverage, annuities, or pensions.

(e) Offer any other employment benefit authorized by state or federal law.

(2) Notwithstanding any other provision of law, the proper disbursing officer of the township may deduct from an officer's or employee's pay, salary, or compensation that part of the premium or charge that is payable by the officer or employee.

(3) A contract of insurance or arrangement for prepayment plan coverage procured under this section may provide that each elected or appointed officer or employee becoming eligible for insurance or coverage becomes insured or covered automatically when he or she becomes eligible, subject to any actively-at-work requirements or effective retirement dates specified in the contract or arrangement. If the insurance or coverage under the contract or arrangement requires contributions from the individual, any individual desiring not to be insured or covered under the contract or arrangement shall give written notice to his or her employing office that he or she desires not to be insured or covered, and if the notice is received before the individual has become insured or covered under the contract or arrangement, he or she shall not be insured or covered. If the notice is received after the individual has become insured or covered, his or her insurance or coverage under the contract or arrangement shall cease as provided for in the contract or arrangement.

(4) Subject to the protecting local government retirement and benefits act, this section does not affect the validity of a retirement program or contract of group insurance or arrangement for prepayment plan coverage entered into by the township before June 20, 1989.

(5) The authority given under this section is in addition to and not in derogation of any power existing in the township under the laws of this state. A township may exercise the powers granted under this section by ordinance without the necessity of amending its charter.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 1999, Act 209, Imd. Eff. Dec. 21, 1999 ;-- Am. 2017, Act 207, Imd. Eff. Dec. 20, 2017

#### **41.110c Appropriations and expenditures; purposes.**

Sec. 110c.

The township board may appropriate money or expend funds for all of the following purposes:

- (a) To advertise the agricultural, industrial, commercial, educational, or recreational advantages of the state, county, or township.
- (b) To collect, prepare, or maintain an exhibition of the products and industries of the township at any domestic or foreign exposition to encourage immigration and increase the trade in the products of this state or the township.
- (c) To advertise this state or any portion of this state to tourists and resorters.
- (d) To maintain and circulate a publication to disseminate information regarding township improvements, activities, and functions.
- (e) To enter into a contract for services with any private, nonprofit corporation or organization that provides domestic or sexual violence services including, but not limited to, 1 or more of the following to victims of domestic or sexual violence:
  - (i) Safe emergency shelter.
  - (ii) A 24-hour crisis hotline.
  - (iii) Supportive counseling.
  - (iv) Coordination of supportive services.
  - (v) Legal advocacy.
  - (f) To abate mosquitoes.

**History:** Add. 1989, Act 77, Imd. Eff. June 20, 1989 ;-- Am. 2015, Act 248, Eff. Mar. 21, 2016 ;-- Am. 2020, Act 273, Eff. Mar. 24, 2021

#### **Revised Statutes of 1846**

##### **R.S. of 1846**

41.111-41.118 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

#### **TOWNSHIP BOARD MEETINGS**

##### **Act 168 of 1931**

41.121-41.123 Repealed. 1951, Act 46, Imd. Eff. May 14, 1951.

#### **EMERGENCY EXPENSES**

##### **Act 200 of 1849**

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

#### **DEFICIENCY IN SPECIAL ASSESSMENTS**

#### **Act 194 of 1929**

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

### **INTEREST BEARING ORDERS**

#### **Act 122 of 1915**

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

### **TOWNSHIP FUNDS; UNEXPENDED BALANCES**

#### **Act 29 of 1937**

41.161-41.163 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

### **TOWNSHIP FINANCIAL STATEMENTS**

#### **Act 262 of 1897**

41.171-41.173 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

### **TOWNSHIP ORDINANCES**

#### **Act 246 of 1945**

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.

**History:** 1945, Act 246, Eff. Sept. 6, 1945 ;-- Am. 1952, Act 224, Eff. Sept. 18, 1952 ;-- Am. 1963, Act 39, Eff. Sept. 6, 1963 ;-- Am. 1989, Act 78, Imd. Eff. June 20, 1989 ;-- Am. 1991, Act 177, Eff. Mar. 30, 1992 ;-- Am. 1994, Act 14, Eff. May 1, 1994

*The People of the State of Michigan enact:*

#### **41.181 Adoption of ordinances by township board.**

Sec. 1.

(1) Except as otherwise provided in this subsection, the township board of a township, at a regular or special

meeting by a majority of the members elect of the township board, may adopt ordinances regulating the public health, safety, and general welfare of persons and property, including, but not limited to, ordinances concerning fire protection, licensing or use of bicycles, traffic, parking of vehicles, sidewalk maintenance and repairs, the licensing of business establishments, the licensing and regulating of public amusements, and the regulation or prohibition of public nudity, and may provide sanctions for the violation of the ordinances. The township shall enforce the ordinances and may employ and establish a police department with full power to enforce township ordinances and state laws. If state laws are to be enforced, a township shall have a law enforcement unit or may by resolution appropriate funds and call upon the sheriff of the county in which the township is located, the department of state police, or another law enforcement agency to provide special police protection for the township. The sheriff, department of state police, or other local law enforcement agency shall, if called upon, provide special police protection for the township and enforce local township ordinances to the extent that township funds are appropriated for the enforcement. Special township deputies appointed by the sheriff shall be under the jurisdiction of and solely responsible to the sheriff. Ordinances regulating traffic and parking of vehicles and bicycles must not contravene the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923. This subsection is subject to the local government occupational licensing act.

(2) Ordinances enacted may apply to streets, roads, highways, or portions of the township determined by the township board or may be limited to specified platted lands within the township, and with respect to these lands are valid and enforceable whether the roads and streets have been dedicated to public use or not. Township boards of townships enacting ordinances under this section may accept contributions from duly constituted representatives of the platted lands benefited by the ordinances to defray administrative and enforcement costs incident to the enactment of ordinances.

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

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

(4) As used in this section, "public nudity" means knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- (a) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (b) Material as defined in section 2 of 1984 PA 343, MCL 752.362.
- (c) Sexually explicit visual material as defined in section 3 of 1978 PA 33, MCL 722.673.

**History:** 1945, Act 246, Eff. Sept. 6, 1945 ;-- CL 1948, 41.181 ;-- Am. 1952, Act 224, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 87, Eff. Oct. 2, 1953 ;-- Am. 1955, 1st Ex. Sess., Act 5, Imd. Eff. Nov. 10, 1955 ;-- Am. 1959, Act 55, Imd. Eff. June 2, 1959 ;-- Am. 1961, Act 18, Eff. Sept. 8, 1961 ;-- Am. 1963, Act 39, Eff. Sept. 6, 1963 ;-- Am. 1968, Act 300, Imd. Eff. July 1, 1968 ;-- Am. 1969, Act 17, Imd. Eff. June 5, 1969 ;-- Am. 1974, Act 375, Imd. Eff. Dec. 23, 1974 ;-- Am. 1978, Act 590, Imd. Eff. Jan. 4, 1979 ;-- Am. 1989, Act 78, Imd. Eff. June 20, 1989 ;-- Am. 1991, Act 177, Eff. Mar. 30, 1992 ;-- Am. 1994, Act 14, Eff. May 1, 1994 ;-- Am. 1994, Act 315, Imd. Eff. July 21, 1994 ;-- Am. 1999, Act 253, Imd. Eff. Dec. 28, 1999 ;-- Am. 1999, Act 257, Eff. Dec. 29, 1999 ;-- Am. 2012, Act 9, Imd. Eff. Feb. 15, 2012 ;-- Am. 2018, Act 496, Imd. Eff. Dec. 27, 2018

**Compiler's Notes:** Enacting section 1 of Act 496 of 2018 provides: "Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

#### **41.182 Repealed. 1989, Act 78, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** The repealed section pertained to publication of township ordinances.

**41.183 Sanctions for violations; designation of violation as civil infraction; civil fine; penalty; act or omission constituting crime; institution of action in district court; distribution of fines and costs.**

Sec. 3.

- (1) The township board may provide in a township ordinance a sanction for violation of the ordinance.
- (2) Consistent with any of the following statutes, the township board may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation:
  - (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
  - (b) 1969 PA 235, MCL 257.941 to 257.943.
  - (c) 1956 PA 62, MCL 257.951 to 257.954.
- (3) The township board may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation. An ordinance shall not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (2). A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction.
- (4) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following:
  - (a) Article 7 or section 17766a of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.
  - (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to 750.568.
  - (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
  - (d) The Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303.
  - (e) Part 801 of the natural resources and environmental protection act, 1994 PA 451, 324.80101 to 324.80199.
  - (f) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208.
  - (g) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160.
  - (h) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150.
  - (i) Sections 351 to 365 of the railroad code of 1993, 1993 PA 354, MCL 462.351 to 462.365.
  - (j) Any law of this state under which the act or omission is punishable by imprisonment for more than 93 days.
- (5) An ordinance not described in subsection (2) or (3) may provide a penalty for violation of the ordinance consisting of a fine not exceeding \$500.00 or imprisonment not exceeding 90 days, or both. However, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days.
- (6) An action for the violation of a township ordinance shall be instituted in the district court, unless the person alleged to have violated the ordinance admits responsibility at a parking violations bureau or municipal ordinance violation bureau as otherwise provided and authorized by law. Fines and costs imposed or assessed in such an action shall be distributed in accordance with section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379.

**History:** 1945, Act 246, Eff. Sept. 6, 1945 ;-- CL 1948, 41.183 ;-- Am. 1969, Act 335, Imd. Eff. Nov. 10, 1969 ;-- Am. 1994, Act 14, Eff. May 1, 1994 ;-- Am. 1996, Act 34, Imd. Eff. Feb. 26, 1996 ;-- Am. 1999, Act 59, Eff. Oct. 1, 1999

**41.183a Recreational trailway; posting of ordinance; prohibited operation of vehicle as municipal civil infraction.**

Sec. 3a.

- (1) An ordinance regulating a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.
- (2) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by an ordinance is a municipal civil infraction, whether or not so designated by the ordinance. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the ordinance or \$500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that section 3 prohibits an ordinance from



designating as a municipal civil infraction.

**History:** Add. 1994, Act 90, Eff. Oct. 1, 1994

#### **41.184 Township ordinance; effective date; publication; adoption by reference.**

##### **Sec. 4.**

- (1) A township ordinance shall contain a provision stating when the ordinance takes effect.
- (2) Except as provided in section 22 of the charter township act, 1947 PA 359, MCL 42.22, and section 401 of the Michigan zoning enabling act, 2006 PA 110, MCL 125.3401, a township ordinance shall take effect as follows:
  - (a) If an ordinance imposes a sanction for the violation of the ordinance, the ordinance shall take effect 30 days after the first publication of the ordinance.
  - (b) If an ordinance does not impose a sanction for the violation of the ordinance, the ordinance shall take effect the day following the date of the publication of the ordinance or any date following publication specified in the ordinance.
- (3) Publication of the ordinance shall be made within 30 days after the passage of the ordinance by inserting either a true copy or a summary of the ordinance once in a newspaper circulating within the township. A summary of an ordinance may be drafted by the same person who drafted the ordinance or by the township board or township planning commission and shall be written in clear and nontechnical language. Each section of an ordinance or a summary of an ordinance shall be preceded by a catch line. If a summary of an ordinance is published, the township shall designate in the publication the location in the township where a true copy of the ordinance can be inspected or obtained.
- (4) If an ordinance adopts by reference a provision of any state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, a statement of the purpose of the statute shall be published with the adopting ordinance or with the summary of the adopting ordinance under subsection (3). Copies of the statute adopted by the township by reference shall be kept in the office of the township clerk, available for inspection by and distribution to the public. The township shall include in the publication the designation of a location in the township where a copy of the statute can be inspected or obtained. Except as otherwise provided in this subsection, a township shall not enforce any provision adopted by reference for which the maximum period of imprisonment is greater than 93 days. A township may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:
  - (a) Community service for not more than 360 hours.
  - (b) Imprisonment for not more than 180 days.
  - (c) A fine of not less than \$200.00 or more than \$700.00.

**History:** Add. 1989, Act 78, Imd. Eff. June 20, 1989 ;-- Am. 1994, Act 14, Eff. May 1, 1994 ;-- Am. 1999, Act 253, Imd. Eff. Dec. 28, 1999 ;-- Am. 1999, Act 257, Eff. Dec. 29, 1999 ;-- Am. 2012, Act 9, Imd. Eff. Feb. 15, 2012

**Compiler's Notes:** Former section 4 of this act was not compiled.

#### **41.185 Township ordinance; recording and filing requirements; fees.**

##### **Sec. 5.**

- (1) Within 1 week after the publication of an ordinance as provided in section 4, the township clerk shall record the ordinance in a book of ordinances kept by him or her for that purpose; record the date of the passage of the ordinance, the names of the members of the township board voting, and how each member voted; and file an attested copy of the ordinance with the county clerk. If the ordinance adopts by reference a provision of any state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, the township clerk shall also file a copy of the statute with the county clerk. The township clerk shall certify under the ordinance in a blank space provided the date or dates of publication of the ordinance, the name of the newspaper in which publication was made, and the date of filing with the county clerk.
- (2) The county clerk shall maintain separate files for any statute filed under subsection (1) for each township in



the county. The county clerk shall make the files readily available to the public.

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

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

**History:** Add. 1989, Act 78, Imd. Eff. June 20, 1989 ;-- Am. 1999, Act 253, Imd. Eff. Dec. 28, 1999 ;-- Am. 1999, Act 257, Eff. Dec. 29, 1999

**Compiler's Notes:** Former section 5 of this act was not compiled.

#### **41.186 Codifying, recodifying, and continuing ordinances in code; publication of ordinance adopting code and subsequent ordinance; amending, repealing, revising, or rearranging ordinances by reference.**

##### **Sec. 6.**

Each township may codify, recodify, and continue in code its ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code, as well as subsequent ordinances repealing, amending, continuing, or adding to the code, shall be published as required by law. The ordinance adopting the code may amend, repeal, revise, or rearrange ordinances or parts of ordinances by reference by title only.

**History:** Add. 1989, Act 78, Imd. Eff. June 20, 1989

#### **41.187 Employment, duties, and compensation of attorney.**

##### **Sec. 7.**

The township board of a township may employ an attorney to represent the township in civil matters and in the prosecution of violations of township ordinances. The attorney shall receive the compensation determined by the township board. In prosecution of a violation of a township ordinance, the township attorney shall countersign the certificates of jurors and witnesses.

**History:** Add. 1989, Act 78, Imd. Eff. June 20, 1989

### **PUBLICATION OF TOWNSHIP ORDINANCES**

#### **Act 191 of 1939**

41.191,41.192 Repealed. 1989, Act 78, Imd. Eff. June 20, 1989.

### **TRAFFIC OFFICERS**

#### **Act 50 of 1919**

41.201,41.202 Repealed. 1989, Act 81, Imd. Eff. June 20, 1989.

## **TOWNSHIP POLLING PLACES IN CITIES**

### **Act 36 of 1933**

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

## **TOWNSHIP BUILDINGS IN CITIES**

### **Act 45 of 1941**

41.221 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

## **TOWNSHIP BUILDINGS**

### **Act 157 of 1867**

41.231,41.232 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

## **TOWN HALL AND OTHER BUILDINGS**

### **Act 381 of 1927**

41.241-41.247 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

## **LIGHTING OF HIGHWAYS AND BRIDGES**

### **Act 264 of 1917**

41.251-41.257 Repealed. 1989, Act 80, Imd. Eff. June 20, 1989.

## **LIGHTING OF HIGHWAYS AND BRIDGES**

### **Act 221 of 1931**

41.261,41.262 Repealed. 1989, Act 80, Imd. Eff. June 20, 1989.

## **PAVEMENTS, SIDEWALKS, AND ELEVATED STRUCTURES**

## Act 246 of 1931

AN ACT to provide for the construction, repair, and maintenance of pavements, sidewalks, and elevated structures on or along public roads and highways; to provide for the levying of taxes and of special assessments; to authorize the borrowing of money and the issuance of bonds; to prescribe the powers and duties of certain state and local agencies and officers; to validate actions taken, special assessments levied, and bonds issued; and to provide for the lighting of certain roads, highways, and bridges.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- Am. 1973, Act 122, Imd. Eff. Aug. 21, 1973 ;-- Am. 1989, Act 80, Imd. Eff. June 20, 1989

*The People of the State of Michigan enact:*

### **41.271 Pavements or sidewalks; application by petition; eligibility of signers, certificate of tax status; authority of county road commissioners; highway or public highway, definition.**

#### Sec. 1.

Whenever the owners of more than 51% of the lineal frontage of lands outside of the corporate limits of any city or village fronting or touching upon any public highway or portion thereof, desire a pavement or sidewalks built thereon, they may file an application for such improvement with the county road commissioners of the county in which such pavement or sidewalk is proposed to be built. No application for the paving of any highway, or portion thereof, shall be considered unless at least 75% of the lands fronting thereon have been subdivided into parcels having a frontage of not more than 300 feet each on such highway or there shall be an average of at least 1 building, including buildings under construction, located along the portion of such highway proposed to be paved for every 300 lineal feet thereof, according to a survey thereof to be made by the commissioners. The eligibility of signers to any application hereby authorized may be determined by their interest of record in the office of the register of deeds or in the probate court of the county in which such lands are situated at the time the petition is presented or by other satisfactory proof of interest presented to the commissioners. Such petition shall be accompanied by a description of the land fronting or touching on the highway owned by each signer and by a certificate of the county treasurer, showing the taxes or special assessments, if any, against such lands which appear delinquent on his books; no name of any signer on the petition shall be considered valid whose land fronting or touching on the highways shows delinquent assessments or taxes on such certificate. Any petition so received by the commissioners or presented to them under the provisions of this act, shall be deemed to confer full authority to cause such work to be done in order that the proper proportion of the expense thereof may be met accordingly. The commissioners shall have all the power of laying out and establishing all such pavements or sidewalks. The words "highway" or "public highway" as used in this act mean any road, street or alley taken over by and under the jurisdiction of the board of county road commissioners.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.271 ;-- Am. 1951, Act 73, Imd. Eff. May 28, 1951 ;-- Am. 1960, Act 47, Imd. Eff. Apr. 19, 1960 ;-- Am. 1967, Act 42, Imd. Eff. June 7, 1967

### **41.271a Pavements or sidewalks; application by resolution of township board; declaration of necessity, public hearing; petition for discontinuance.**

#### Sec. 1a.

Any township board, by resolution, may make application to the board of county road commissioners for the improvement of a county road or portion thereof located within the township. The resolution when received and accepted by the county road commissioners shall confer the same authority to cause an improvement to be made and benefits assessed as if a petition were filed in accordance with the provisions of section 1. The petition shall not be considered unless it complies with the subdivision and building requirements set forth in section 1 relating to applications by property owners.

A declaration of necessity shall be made by resolution of the board of county road commissioners who shall thereafter hold a public hearing at the township hall upon the declaration of necessity in the same manner as if an application had been filed by property owners as set forth in section 1. After the date of the public hearing on the declaration of necessity, the property owners of 51% or more of the lineal frontage along the proposed improvement may submit within 45 days a petition to the board of county road commissioners requesting that the project be discontinued. The project shall be discontinued if, upon examination, the owners of 51% or more of the lineal frontage along the improvement have signed the petition. If no petition is filed within 45 days, the project shall proceed in the same manner as if inaugurated by property owners.

**History:** Add. 1968, Act 55, Eff. Nov. 15, 1968

**41.272 Pavements or sidewalks; survey, plat; adoption of materials, grade and manner of construction by county road commissioners.**

Sec. 2.

Upon the filing of such application, the commissioners shall proceed to examine the location, and, if they deem the proposed improvement necessary, shall cause a survey thereof and establish grades and make specifications of the kind of improvement suitable for the purpose, and estimates of the cost thereof to be filed with them by a registered engineer. The said commissioners shall also cause a plat to be made of said proposed improvement and of the lands that may be benefited by the proposed improvement. The commissioners may adopt such kind of material, grade and manner of construction as they shall deem best under the circumstances, and shall assume responsibility for proper inspection during the construction of said proposed improvement.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.272

**41.273 Bridges, drains, curbing, culverts and additional rights of way; deemed part of improvement.**

Sec. 3.

All bridges, road drains, drainage structures, curbing, culverts and any additional right of way required shall be deemed a necessary part of any proposed improvement and the cost and expenses thereof shall be included in the special assessment roll for such improvement.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.273 ;-- Am. 1951, Act 73, Imd. Eff. May 28, 1951

**41.274 Pavements or sidewalks; first order of determination, specifications, description of assessment district by county road commissioners; location along state trunk line, approval by state highway commissioner.**

Sec. 4.

If after such survey, establishment of grades, plans and specifications and estimates of cost have been filed with them, the commissioners shall still be of the opinion that the proposed improvement is necessary for the benefit of the public and is for the benefit of the public welfare and convenience, they shall make their first order of determination and attach a copy of the specifications to such order. These specifications shall not be final but may be changed by the commissioners at any time before the final order is made, but not after the hearing of the objections hereinafter provided for, except after due notice and hearing thereon. The commissioners shall also attach to such order either a description of the boundaries of the proposed assessment district or a description of

the several parcels of land which may be liable to assessment for the benefits on account of the proposed improvement: Provided, however, That whenever the proposed improvement is located on a state trunk line, no hearing as above referred to shall be held unless the state highway commissioner shall have been furnished with a written determination of necessity signed by the county road commissioners and a complete file of the plans and specifications, and the approval of the state highway commissioner as to determination, plans and specifications has been obtained.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- CL 1948, 41.274

#### **41.275 Pavements or sidewalks; hearing of objections, notice, contents; change in specifications or boundaries of assessment district, new hearing.**

##### **Sec. 5.**

The commissioners shall hear objections to the proposed improvement at the time and place to be fixed by them either at the office of the commissioners or at some suitable place within the township in which the proposed special assessment district is located: Provided, That the holding of such hearing may be enforced by mandamus in case the commissioners shall fail to hold the hearing within 60 days after the filing of the petition required under section 1 of this act. At this hearing all parties or persons interested shall be given an opportunity to present their objections, if any, to the proposed improvement. Notice of this hearing shall be given by the commissioners by causing a notice thereof to be published at least once in each week for 2 weeks in succession in some newspaper of general circulation in such district, and by posting 5 notices within the limits of such district, in public and conspicuous places therein. Such posting shall be done and at least 1 publication in the newspaper shall be made not less than 10 days prior to such hearing. Such notice shall set forth a description of the boundaries of the proposed special assessment district or the several parcels of land proposed to be assessed on account of such improvement and the time and place of hearing. At this hearing the commissioners shall make any changes in the specifications deemed advisable without further notice or hearing, provided such changes do not increase the estimate more than 10 per cent. If they do increase the estimate more than 10 per cent, then a new hearing shall be had and notice thereof given as in the first instance. At such hearing, the commissioners may alter the boundaries of the proposed assessment district: Provided, however, That if said district is enlarged or otherwise altered so as to embrace additional lands, hearing thereon after due notice shall be had as hereinbefore provided.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- CL 1948, 41.275 ;-- Am. 1949, Act 218, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 73, Imd. Eff. May 28, 1951 ;-- Am. 1952, Act 241, Eff. Sept. 18, 1952 ;-- Am. 1953, Act 84, Imd. Eff. May 18, 1953

#### **41.276 Pavements or sidewalks; liability of petitioners.**

##### **Sec. 6.**

The petitioners for the construction of any improvement under the provisions of this act shall be jointly and severally liable for the costs and expense of proceedings had, but not for any portion of the construction of the improvement, in case the proceedings therefor shall be dismissed for any cause where the county road commissioners have incurred expense because of such petition.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.276

#### **41.277 Pavements or sidewalks; final order of determination, attachment of specifications.**

##### **Sec. 7.**

Within 30 days after hearing objections, if the commissioners shall deem the proposed improvement necessary for the benefit of the public welfare and convenience, they shall make their final order in writing, under their hands, determining that the proposed improvement shall be made according to the final specifications adopted by them, a copy of which specifications shall be attached to said order.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- CL 1948, 41.277 ;-- Am. 1952, Act 241, Eff. Sept. 18, 1952

#### **41.278 Contracts for construction of improvement; bids, notice, procedure; commencement of construction.**

##### **Sec. 8.**

On the making of the said final order, the commissioners shall proceed to let the contract for the construction of the proposed improvement to the lowest responsible bidder, said bidder to furnish adequate security for the performance of the same, in a sum to be fixed by the commissioners: Provided, That no contract shall be let or rolls spread under the provisions of this act when 25 per cent or more of the total tax levied for all purposes upon real property within the assessment district shall have been delinquent for 1 or more years. The commissioners shall give notice of the letting of such contract by publishing a notice thereof in some newspaper of general circulation in the county, at least once in each week for 2 weeks, and may publish notice thereof in other newspapers if they shall deem the same advisable. At least 1 publication of the notice shall be made not less than 10 days prior to the date of letting. They may reserve the right to reject any and all bids. If rejected, the same procedure for obtaining bids shall be repeated, or if deemed advisable by the commissioners, they shall proceed with the construction of said proposed improvement in the same manner and with the same authority, when applicable, as they have to build roads under the provisions of the county road law. After the bids have been received or as soon thereafter as practicable, the commissioners shall enter into the necessary contract for the construction of the proposed improvement with the party whose bid shall be accepted by them and who shall have furnished the bonds required. The commissioners shall take such action as may be necessary to commence construction of the proposed improvements, or cause such construction to be commenced, within 6 months, or if weather does not then permit, as soon thereafter as the weather does permit after making said final order.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.278 ;-- Am. 1952, Act 241, Eff. Sept. 18, 1952

#### **41.279 Special assessment district; determination, announcement, addition of lands; determination of installments.**

##### **Sec. 9.**

At the time of hearing objections to the proposed improvement, the commissioners shall finally determine the special assessment district to be assessed for benefits on the construction of the proposed improvement, and shall not assess any lands therefor not included in the district. The determination shall be announced at the conclusion of the hearing. If at any time error is discovered in the district as so determined, before the special assessment roll has been finally approved by the commissioners and if in the judgment of the commissioners further lands should be brought within such assessment district, they may give notice of a new hearing as to the limits of such assessment district, and bring in additional lands as provided in the first instance. The commissioners shall also then and there determine the number of installments, if any, in which the money therefor shall be raised, which shall not be more than 10 annual installments. The determination as to the number of installments in which the money for the improvements shall be raised, may be altered, subject to the limitations in section 13, after notice and hearing thereon given and conducted in the manner hereinbefore provided.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- CL 1948, 41.279 ;-- Am. 1960, Act 47, Imd. Eff. Apr. 19, 1960

**41.280 Assessment of benefits against township and parcels of land; review; assessment against state lands; numbering of districts.**

Sec. 10.

The commissioners shall apportion the percentage of the total cost of the improvement which the township at large shall be taxed to pay by reason of the benefit to the public convenience and welfare, which shall not exceed 25% of the total cost of the improvement, and may apportion a percentage of the total cost of the improvement, to be borne by the board of county road commissioners from the county road fund, and shall also apportion the percentage of the benefits to accrue to any piece or parcel of land by reason of the construction of that improvement over and above the sum of the percent assessed against the township at large and the percentage, if any, apportioned to the board of county road commissioners to be paid from the county road fund as provided in this section, which percent of benefit shall be apportioned upon and assessed against the lands benefited, according to the benefits received, and which apportionment shall be announced at the time and place of hearing objections to and equalizing the apportionment of benefits. The assessments of percent benefits shall be subject to review and correction and may be reviewed in the manner provided in this act. All appeals in this act provided for shall be from the apportionment of the percent of benefits. Any state lands, except state tax homestead or state swamp lands under the control of the department of natural resources, benefited by any such improvement, shall be liable to assessment in the same manner as are privately owned lands. The amount of any assessment on state land shall be certified by the board of county road commissioners, and shall be paid by the state treasurer. Payment shall be made out of any funds in the state treasury appropriated for that purpose. In any case where an assessment is imposed by the board of county road commissioners under this act the state shall have the same right of appeal as is given to owners of other lands. The board of county road commissioners shall designate each assessment district by number, by which number it shall thereafter be known. Whenever any state land is assessed for benefits, the board of county road commissioners shall give 10 days' notice to the state treasurer of the time and place of the hearing of objections on account of the assessment.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.280 ;-- Am. 2002, Act 373, Imd. Eff. May 24, 2002

**41.281 Creation of indebtedness; approval by township board; limitation on issue of township bonds.**

Sec. 11.

In the creation of any indebtedness hereunder, it shall not be necessary to have the approval of the board of supervisors thereon, but no indebtedness against the township at large shall be incurred without the approval of the township board of each township in which any part of the assessment district is situated. No bonds shall be issued on behalf of any township which would cause the total bonded debt of the township to exceed 5 per cent of its assessed valuation.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- CL 1948, 41.281

**41.282 Maintenance and repair of improvement; proration of expense of joint improvement.**

Sec. 12.

After the completion of said proposed improvement, the highway authorities having jurisdiction over the highway involved, shall maintain and repair said pavement and/or sidewalk and shall keep the same in a reasonably safe condition for public travel, using for this purpose any money which may be available for the maintenance and repair of said highway. If there is a surplus of the money collected after paying the cost of building such proposed improvement, the same shall be turned over to the highway authorities having the responsibility for the maintenance and repair thereof and shall be used solely for such maintenance and repair. If the improvement is in more than 1 highway jurisdiction, the fund shall be prorated between such jurisdictions according to the amount of the

improvement in each.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.282

#### **41.283 Proceedings governed by MCL 247.418 to 247.481; records; reports.**

##### **Sec. 13.**

The construction of the proposed improvement, the assessment for same, the collection of the interest on the assessment, the making of any assessment district, all appeals and hearings thereon, the issuing of bonds, the collection of money, the levying of reassessments to cover deficiencies, and all other necessary proceedings shall be conducted in the same manner as is provided in and governed by the provisions of Act No. 59 of the Public Acts of 1915, as amended, being sections 247.418 to 247.481 of the Michigan Compiled Laws, so far as the same may be applicable to this class of improvements. Records shall be kept and reports made of bonds issued under this act by the same officers and in the same manner as provided by law for bonds under said act.

**History:** 1931, Act 246, Eff. Sept. 18, 1931 ;-- Am. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.283 ;-- Am. 1949, Act 218, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 73, Imd. Eff. May 28, 1951 ;-- Am. 1960, Act 47, Imd. Eff. Apr. 19, 1960 ;-- Am. 1973, Act 122, Imd. Eff. Aug. 21, 1973

#### **41.283a Bonds; issuance and sale; full faith and credit; assessment district sinking fund; bonds subject to revised municipal finance act.**

##### **Sec. 13a.**

(1) The commissioners may issue and sell bonds and pledge the full faith and credit of the assessment district for the payment of the bonds.

(2) The township board of any township in which a special assessment district is created under the provisions of this act may, by resolution duly adopted, pledge the full faith and credit of the township for the payment of bonds issued on that special assessment district. Whenever an assessment district sinking fund is insufficient to pay the bonds and interest on the bonds when due, and the full faith and credit of the township have been pledged to the payment of those bonds, the amount necessary to make the payment shall be immediately paid into the assessment district sinking fund by the township. In any case where the payment is made by the township, all special assessments collected in the district after all bonds issued have been retired or sufficient funds have been accumulated in the assessment district sinking fund to retire all the bonds shall belong to and be turned over to the township.

(3) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** Add. 1951, Act 73, Imd. Eff. May 28, 1951 ;-- Am. 1973, Act 122, Imd. Eff. Aug. 21, 1973 ;-- Am. 2002, Act 273, Imd. Eff. May 9, 2002

#### **41.284 Advancement of county road funds; reimbursement by township.**

##### **Sec. 14.**

In lieu of borrowing money and issuing bonds or other evidence of indebtedness, the board of county road commissioners may advance the necessary funds for the construction of the proposed improvement from county road funds under its control, and, upon written certification by the board of county road commissioners that the cost of said improvement has been or will be paid from the county road fund, the county treasurer shall credit all



assessments collected from the township at large and the assessment district, including any share of delinquent tax sales apportioned thereto, directly to the county road fund. Whenever funds are so advanced from county road funds, the township board of any township within which such improvement is located may, by resolution duly adopted, pledge the full faith and credit of the township to the repayment of all funds so advanced. In such case, if the county road fund has not been fully reimbursed by special assessment collections upon the final due date of the last installment of such special assessment, the township shall, within 90 days thereafter, pay to the board of county road commissioners such sum as is necessary to complete such reimbursement, and any delinquent special assessments thereafter collected shall belong to and be turned over to the township.

**History:** Add. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.284 ;-- Am. 1951, Act 73, Imd. Eff. May 28, 1951

#### **41.285 County board of supervisors; appropriation of funds for advancement; establishment of revolving fund.**

##### **Sec. 15.**

The board of supervisors of any county may appropriate necessary funds to advance the cost of any proposed improvement constructed under the provisions of this act, or said board of supervisors may set up and establish a revolving fund to finance proposed improvements under the provisions of this act. Whenever the cost of any improvements constructed under the provisions of this act is advanced from funds so appropriated or set up and established by the board of supervisors, the county treasurer shall credit all assessments collected from the township at large and the assessment district, including any share of delinquent tax sales apportioned thereto, directly to the fund from which the cost of said improvement was advanced.

**History:** Add. 1945, Act 141, Eff. Sept. 6, 1945 ;-- CL 1948, 41.285

#### **41.286 Hearing examiners; powers and duties; determination of board of county road commissioners, petition for reconsideration, filing; notice, hearing.**

##### **Sec. 16.**

Any board of county road commissioners may designate by resolution a hearing examiner or examiners who shall be authorized to make examinations and hold hearings as required by this act. The hearing examiner or examiners, after the necessary examinations and hearings, shall submit findings of fact and proposed determinations to the board who may modify the proposed determinations and confirm the same as submitted or as modified and order them placed on file in its offices. A copy of the determination of the board shall be served by first class mail to each owner of or party in interest in property to be assessed at their addresses as shown upon the last local tax assessment records. The determinations shall become the final determinations of the board 10 days after mailing of the copies of the determination unless a petition for reconsideration is filed as provided in this section.

If the owners of record of more than 50% of the lineal frontage, who were qualified under the provisions of section 1 of this act to sign the petition, desire to have the board of county road commissioners reconsider its determination made under this section, they shall submit within 10 days after mailing of copies of the board's determination, a petition for reconsideration of such determination by the board of county road commissioners.

The board of county road commissioners shall set a time and place of hearing upon the petition for reconsideration, and shall give notice thereof by first class mail to each owner of or party in interest in property to be assessed at their addresses as shown upon the last local tax assessment records. At the conclusion of the hearing, the board of county road commissioners may modify or confirm its previous determination, the determination shall thereupon be final.

**History:** Add. 1963, Act 76, Imd. Eff. May 8, 1963

#### **41.287 Validation of prior actions, special assessments, and bonds.**

Sec. 17.

Actions heretofore taken, special assessments heretofore levied and bonds heretofore issued under this act, as originally adopted or subsequently amended, are validated. A board of county road commissioners acting under this act, or a township, shall not contest the validity of any such bonds after they are sold and delivered and the board of county road commissioners has received the consideration therefor.

**History:** Add. 1973, Act 122, Imd. Eff. Aug. 21, 1973

#### **41.288 Installation of sidewalks and elevated structures; payment; contracts; approval.**

Sec. 18.

(1) The township board of a township may install sidewalks along the sides of a highway and may install elevated structures for foot travel over highways in the township. The township board may pay for the elevated structures out of the funds of the township or purchase the elevated structures on title retaining contracts. Contracts shall not be entered into or issued for a period longer than 10 years. A highway under the jurisdiction of the director of the state transportation department or the board of county road commissioners shall not be improved under this act without the written approval of the director of the state transportation department or the board of county road commissioners.

(2) In proceedings under this section, the township board may provide that the cost of the sidewalk or elevated structure shall be paid entirely by public money and may allocate for this purpose unexpended money in the contingent fund or general fund of the township.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

#### **41.288a Sidewalk construction, repair, or maintenance; order; meeting; notice; assessment of costs; approval; election.**

Sec. 18a.

(1) The township board of a township may order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks in a designated area within the township because of the health, safety, or welfare of the residents of the township.

(2) The township board shall hold a public meeting relative to the ordering of the sidewalk construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing.

(3) If the board determines that the construction, repair, or maintenance of sidewalks is necessary, it may construct, repair, or maintain the sidewalks and assess the costs to the property involved, payable over a 5-year period, or permit the owners of the property involved to have the sidewalks constructed, repaired, or maintained according to township specifications at their own expenses. Sidewalks constructed, repaired, or maintained under this section on the right-of-way of state highways or county roads must have the approval of the state or county highway authority having jurisdiction over the highway or road.

(4) A township board may construct, repair, and maintain walkways or sidewalks along main or arterial roads where it considers it necessary to protect the safety of the public. The costs of the sidewalks may be paid by the township at large. When determined necessary by the township board, the board shall submit to the electors the question of raising the necessary funds by a levy not to exceed 1 mill at a general, primary, or special election.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

#### **41.288b Public street cleaning vehicles and snow removal equipment.**

Sec. 18b.

The township board of a township, by a majority vote at a regular meeting or a special meeting called for that purpose, may authorize the purchase of a public street cleaning vehicle or vehicles and snow removal equipment, and may provide for the maintenance and operation of the vehicles and equipment, payable from the funds of the township. The written approval of the board of county road commissioners shall first be obtained.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

#### **41.289 Lighting of roads, highways, and bridges generally.**

Sec. 19.

The township board of a township may authorize the expenditure of funds to provide for the lighting by artificial means of roads, highways, and bridges in the township that are located outside of the limits of incorporated villages. The expense of the lighting shall be paid out of the funds of the township. If a road, highway, or bridge is situated in or between 2 or more townships, a provision shall be made by a majority vote of the township boards of the townships in or between which the road, highway, or bridge is situated, at a joint meeting of the boards, held for that purpose, and the proportion of the expense to be paid by each of the townships shall be determined at the joint meeting. This section and sections 19a to 19d for reasons of public safety authorize the lighting of a state trunk line highway, county road, or platted road or street outside the limits of incorporated villages, whether the road or street has been dedicated to the public use or not.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

#### **41.289a Lighting of roads, highways, and bridges; supervision; contracts.**

Sec. 19a.

If lighting of a road, highway, or bridge is provided in accordance with section 19, the supervisor of the township shall exercise general supervision over the installing and maintenance of the lighting system, under the direction of the township board. However, if a road, highway, or bridge is situated in or between 2 or more townships, it shall be determined by the township boards which one of the township supervisors shall exercise supervision. The township board, or in case of roads, highways, or bridges located in or between 2 or more townships, then the township boards of the townships in or between which the road, highway, or bridge is situated, may contract for a period of time not exceeding 10 years with a person for furnishing the road, highway, or bridge lighting by artificial means, upon the terms and conditions as may be agreed.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

#### **41.289b Expenses for lighting highways; special assessment; hearing; notice.**

Sec. 19b.

(1) The township board or boards mentioned in section 19, either on its or their own motion, or upon the filing of a petition signed by the record owners of not less than 10% of the number of parcels of land in the district to be

lighted described in the petitions, may order the expenses for lighting the highways to be defrayed by a special assessment on all the taxable lands in the territory described in the petitions or the order of the township board. A petition under this section is not valid if a majority of the territory described in the petition was included in a petition filed under this section not more than 1 year earlier.

(2) A part of the expenses may be paid by the township or townships at large and the balance assessed against the lands in the described district.

(3) The township board or boards shall then estimate the cost and expense of the lighting system and fix a day, time, and place for a hearing on the question of creating a district and defraying the expenses of the district by special assessment. A notice stating the time, place, and purpose of the hearing shall be published in a newspaper of general circulation in the district. If there is not a newspaper of general circulation in the district, then notices shall be posted in at least 3 of the most public places in the district. Notice shall be published or posted at least 5 days before the date of the hearing.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989 ;-- Am. 1996, Act 127, Imd. Eff. Mar. 13, 1996

#### **41.289c Assessment in district for lighting roads, highways, and bridges.**

Sec. 19c.

If the township board or boards create a district under section 19b, it or they shall determine the boundaries of the district by resolution and shall direct the township supervisor or supervisors to make a special assessment upon the lands and premises in the district benefited by the lighting to defray the expenses of lighting the roads, highways, or bridges or to defray that portion of the expenses to be assessed against the district. The board or boards shall thereafter annually determine the amount to be assessed in the district for lighting the roads, highways, and bridges and shall direct the supervisor or assessor to levy this amount or the supervisors or assessors to levy the portion of this amount attributable to the territory of the district within their respective townships. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other township taxes are assessed, levied, and collected and shall be returned in the same manner for nonpayment.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

#### **41.289d Relieving district of duty to light streets or highways.**

Sec. 19d.

A district that has been lighting its streets or highways under this act may be relieved of this duty by action of the township board or boards on their own motion or by a petition to the township board or boards as provided in section 19b.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

#### **41.290 Lighting county roads, highways, and bridges; expense; contracts; extension of lines or service; payment; statement and budget; apportionment of sum required; tax; lighting state trunk line highways and bridges.**

Sec. 20.

(1) Notwithstanding sections 19 through 19d, the board of county road commissioners of a county operating under the county road system may provide for the lighting, by artificial means, of roads, highways, and bridges

under its jurisdiction, located outside of the limits of incorporated cities and villages. The township board or boards of a township or townships in which county roads, highways, and bridges are located may also provide for the lighting, by artificial means. Boards of county road commissioners and township boards may also provide for the lighting by joint action, and by dividing the expense of the lighting between the county or counties and the township or townships affected as may be determined by joint meeting of the boards. The board of county road commissioners or township board, acting separately or in conjunction with other boards of county road commissioners or with a township board or township boards, may enter into a contract with a person for a period not exceeding 10 years for the lighting upon terms and conditions as may be agreed upon, and may also contract for the extensions of lines or service to furnish the lighting. The boards of county road commissioners may pay from available highway funds under their control and jurisdiction sums required to provide for the extensions and furnish the lighting. If funds are not available, the board of county road commissioners shall submit to the county board of commissioners a statement and budget designating the roads, highways, and bridges to be lighted, and the estimated cost of the lighting. At the next October session of the county board of commissioners, the board shall pass upon the statement and budget, and, if a majority of the county board of commissioners agree, the sum required shall be apportioned among the several townships and cities of the county according to their equalized valuation. The supervisors or other assessing officers in the townships and cities shall levy and apportion the tax so apportioned as provided in this section, to their respective townships and cities. The tax shall be collected and paid to the county treasurer and disbursed by him or her upon orders of the board of county road commissioners, the orders to be signed by the chairperson and countersigned by the clerk of the board. The county board of commissioners shall raise a sum which, together with the other funds available, is sufficient to provide the lighting for which the facilities have, under an existing contract, been previously installed and operated.

(2) With the approval of the director of the state transportation department, boards of county road commissioners and township boards acting together or separately, may, with respect to state trunk line highways and bridges located in whole or in part within their respective counties and townships, provide for the lighting of these highways and bridges by artificial means and may contract in the same manner as for county roads. In such case, the entire expense shall be borne by the boards of county road commissioners or township boards, or by both.

**History:** Add. 1989, Act 80, Imd. Eff. June 20, 1989

## **STREET MAINTENANCE EQUIPMENT**

### **Act 203 of 1957**

41.291 Repealed. 1989, Act 80, Imd. Eff. June 20, 1989.

## **TOWNSHIP FIRE PROTECTION**

### **Act 28 of 1923**

41.301-41.305 Repealed. 1951, Act 33, Imd. Eff. May 8, 1951.

## **TOWNSHIP FIRE PROTECTION**

### **Act 181 of 1937**

41.311-41.316a Repealed. 1951, Act 33, Imd. Eff. May 8, 1951.

## **FIRE PROTECTION FOR ADJOINING TOWNSHIPS**

### **Act 151 of 1931**

41.321-41.323 Repealed. 1951, Act 33, Imd. Eff. May 8, 1951.

## **TOWNSHIP WATER SUPPLY AND SEWAGE DISPOSAL SERVICES AND FACILITIES**

### **Act 107 of 1941**

AN ACT to authorize township water supply and sewage disposal services and facilities; to provide for financing of those services and facilities; to prescribe the powers and duties of township boards with respect to those services and facilities; and to prescribe penalties and provide remedies.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- Am. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989 ;-- Am. 1998, Act 195, Eff. Mar. 23, 1999

*The People of the State of Michigan enact:*

#### **41.331 Furnishing water to water supply district; petitions; contracts; terms and conditions.**

##### **Sec. 1.**

Upon filing with the township clerk of petitions, verified both as to signature and ownership, signed by 60% of the record owners of the land to be made into a township water supply district, the township board in the township may contract with another township or a city, village, or authority for the furnishing of water to the water supply district for fire protection and domestic purposes under terms and conditions agreed upon between the township board and the board or other representative body of the township, city, village, or authority.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.331 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.332 Water mains and fittings; purchase, installation, and maintenance.**

##### **Sec. 2.**

For the purpose of distributing the water to be furnished in pursuance of a contract authorized by section 1, the township board may purchase and lay necessary water mains and fittings and maintain and control their use, either along public highways or upon private property for which the right to lay the pipe has been obtained.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.332 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.333 Water supply system; payment from contingent fund; limitations; separately financed and operated water supply system; map.**

##### **Sec. 3.**

Not more than 75% of the net cost, exclusive of money, materials, and labor that are supplied by a federal agency, of purchasing and laying the mains and fittings of a water supply system shall be paid out of the contingent fund of the township. On resolving to make and install the improvement, the township board shall determine by resolution the net cost and the share of the net cost not exceeding 75% that the contingent fund of the township shall bear. However, no part of the cost of a water supply system acquired or created under sections 1 to 20a shall be levied or collected as a tax or assessment, whether general or special, upon property located in a village or school district or located in a water supply district in the township, including an area of the township served by a water system owned or operated by a city, if the village, school district, or water supply district has a water supply system that was originally acquired and is operated by or for the village, school district, or water supply district without any expense to the township at large. A water supply system, so separately financed and operated, shall not be taken, as to ownership or control, except by due process of law as provided by the general laws of this state. After determining the amount of money to be appropriated at any time from the township's contingent fund for purposes authorized in this section, the township board may set apart from that amount when appropriated a proportionate part of that amount for the benefit of the separately operated water supply system in the same ratio to the whole amount appropriated as the population of the separate district bears to the total population of the township, as determined by the board. This proportionate part shall be applied for the betterment of the separate water supply system as and when authorized by the board. The township board shall prepare and keep on file a map defining the boundaries of a water supply district served by the separately financed and operated water supply system separate from a township water system.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.333 ;-- Am. 1949, Act 10, Imd. Eff. Mar. 8, 1949 ;-- Am. 1949, Act 118, Eff. Sept. 23, 1949 ;-- Am. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.334 Percentage of net cost remaining after application of MCL 41.333; payment.**

##### **Sec. 4.**

The percentage of the net cost remaining after application of section 3 shall be raised by payment, in accordance with sections 5 and 5a from property owners in the township water supply district.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.334 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.335 Tapping or making connection with mains of water supply district; payment; plan for financing, maintenance, and control of improvement.**

##### **Sec. 5.**

A person or property owner shall not tap or make a connection with the mains of a water supply district established under section 1 without having paid for the privilege. On compliance with the provisions of section 3, the township board shall promulgate and adopt, by resolution, a plan for financing, maintenance, and control of the improvement. The plan shall provide all of the following:

- (a) The minimum payment for the privilege of tapping and making of each private connection with the mains.
- (b) A specified date by which all minimum payments shall be made to the township treasurer. The date shall be not less than 30 nor more than 60 days after completion of the publication required by section 6.
- (c) The amount payable to the township treasurer after the date specified pursuant to subdivision (b) for the privilege of tapping and making of each private connection with the mains. This amount shall be not more than 50% nor less than 20% greater than the minimum payment specified pursuant to subdivision (a).
- (d) Rules and regulations designed to vest exclusive governing control of the mains and fittings in the township board and to maintain and preserve adequate water pressure throughout the mains. The rules and regulations shall conform to the contract made under section 1. The rules and regulations shall include a provision limiting the number of private connections that may be purchased and made with the mains; a provision limiting the length of all private connections with the mains; provisions declaring the maximum size of pipe that may be used by all persons and property owners in making and maintaining private connections with the mains; a provision for minimum distance, on either or both sides of the mains, between taps for all private connections; and general provisions

governing use and control of the mains, assessment of water rates, collection and payment of water rates, and suitable penalties for nonpayment of the rates.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.335 ;-- Am. 1949, Act 10, Imd. Eff. Mar. 8, 1949 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.335a Township water board; establishment; powers; loans from private parties; retirement of loans.**

##### **Sec. 5a.**

The township board may include, in its plan under section 5, rules and regulations for the establishment of a township water board and for loans to the water board from private parties of money necessary to aid in the financing of the project petitioned for under section 1. The loans shall be retired only out of excess money as defined in section 9 and other direct revenues, if any, to be derived from the project. A water board established in accordance with this section shall exercise under direction of the township board all of the powers of maintenance and control that are granted by sections 1 to 20a to the township board.

**History:** Add. 1949, Act 10, Imd. Eff. Mar. 8, 1949 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.336 Publication of plan adopted under MCL 41.335.**

##### **Sec. 6.**

Immediately following adoption of the plan under section 5, it shall be published at full length by the township board once each week for 3 successive weeks in a newspaper circulating within the township in which the improvement petitioned for under section 1 is to be made. Proof of the publication shall be made and filed with the township clerk before installation of the improvement commences. The publication is the sole notice of the improvement and of the provisions of the plan that interested persons and property owners are entitled to receive.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.336 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.337 Failure to pay percentage of net cost remaining after application of MCL 41.333; refund of money previously deposited.**

##### **Sec. 7.**

If the percentage of the net cost remaining after application of section 3 is not, in pursuance of the plan under section 5, fully paid in to the township treasurer, by paid for connection rights as provided for in the plan or loans made in accordance with section 5a, or both, by the date specified pursuant to section 5(b), the improvement petitioned for under section 1 shall not be commenced and all money previously deposited with the township treasurer in pursuance of the plan shall be refunded immediately by the township treasurer to the respective depositors of the money.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.337 ;-- Am. 1949, Act 10, Imd. Eff. Mar. 8, 1949 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989



#### **41.338 Installation of improvement by township board; loan.**

Sec. 8.

If a sufficient number of private connection rights are timely paid for in accordance with the terms of the plan provided for by section 5, the township board shall immediately proceed to make and install the improvement petitioned for under section 1 and may, by resolution, do what is necessary to accomplish the purposes of the plan. The board may borrow all or part of the amount to be appropriated from the contingent fund under section 3 if, in the judgment of the board, the contingent fund will, by such appropriation, be depleted to such extent as may hamper general township operations. The loan shall conform to the provisions of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.338 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989 ;-- Am. 2002, Act 227, Imd. Eff. Apr. 29, 2002

#### **41.339 Excess money; deposit in contingent fund; applicability of section.**

Sec. 9.

Money that is paid in to the township treasurer for private connection rights under section 5 on or before the date specified pursuant to section 5(b) which creates an excess over the percentage of the net cost remaining after application of section 3 and money that is paid into the township treasurer for the rights after that date is excess money and shall be deposited in the contingent fund. This section applies to all money received by the township treasurer after May 19, 1941, in cases in which water mains, prior to May 20, 1941, were extended or installed in accordance with a plan substantially similar to that contemplated by section 5.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.339 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.340 Maintenance and use of mains and fittings of water supply district; control by township board; amendment of rules and regulations; notice; publication.**

Sec. 10.

The township board has exclusive governing control over the maintenance and use of the mains and fittings of a water supply district established under section 1 and shall exercise this control in accordance with the terms of sections 1 to 20a and the rules and regulations that are required by and conform to section 5(d). The rules and regulations may be amended by the township board only after notice of its intention to do so, specifying the date, hour, and place of meeting of the board for this purpose, is published for 3 successive weeks in a newspaper circulating within the township.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.340 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.341 Water mains extended or installed in accordance with similar plan; control by township board; rules and regulations; publication; amendment or alteration; notice.**

Sec. 11.

If water mains have been extended or installed in accordance with a plan substantially similar to that contemplated by section 5, the township board, subject to provisions of any contract that has been made with another township or a city, village, or authority for furnishing water through the mains, has exclusive governing

control over the mains and fittings and their maintenance and use. In such cases, the township board may promulgate and adopt, by resolution, rules and regulations conforming substantially with section 5(d). The rules and regulations become effective on completion of their publication, at full length, once each week for 3 successive weeks in a newspaper circulating within the township in which the improvement has been made. After the rules and regulations become effective, they may be amended or altered by the township board only after notice of its intention to do so, specifying the date, hour, and place of meeting of the board for this purpose, is published for 3 successive weeks in a newspaper circulating within the township.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.341 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.342 Definitions.**

Sec. 12.

As used in sections 1 to 20a:

(a) "Township water supply district" means the portion of the township described in the petition required by section 1.

(b) "Private connection" means the tapping of a main and the connection of the main with a nonpublic building or premises as distinguished from a connection with a public building or premises and from an extension of such a main, lateral or otherwise, that the township board, in accordance with altered or amended rules and regulations, authorizes in and along a public highway.

(c) "Corporation" includes foreign and domestic corporations lawfully doing business in this state.

**History:** 1941, Act 107, Imd. Eff. May 20, 1941 ;-- CL 1948, 41.342 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.343 Township water supply and sewage disposal system; loan from corporation; bonds.**

Sec. 13.

A corporation proposing to locate and construct, in a township having no sewage disposal system and a water supply system installed before June 14, 1951 under the terms of sections 1 to 12 that is inadequate for domestic and proposed industrial or commercial requirements, a business or plant requiring the facilities of a modern and sufficient public water supply and sewage disposal system may loan to the township money sufficient to provide for the acquisition and construction of an adequate township water supply and sewage disposal system and for the refunding of revenue bonds or revenue notes then outstanding and constituting a lien upon the revenues of the existing water supply system. Without complying with section 1, the township may borrow money from the corporation for these purposes; execute revenue bonds and mortgages securing the loan; pledge the net revenues of the proposed water supply and sewage disposal system to the repayment of the loan; acquire, construct, or improve the works; and refund the bonds or notes. A bond issued under the provisions of this section is a valid and subsisting obligation of the township.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

**Former Law:** See section 13 of Act 107 of 1941, which was repealed by Act 267 of 1945.

#### **41.344 Contract for issuance and delivery of negotiable revenue bonds; interest, terms, and conditions.**

Sec. 14.

A township borrowing pursuant to section 13 may enter into a contract with the corporation described in section 13 for the issuance and delivery to the corporation or its assigns of self-liquidating and fully negotiable

revenue bonds for the repayment of the loan with interest on the bonds not exceeding the legal rate, according to terms and conditions consistent with sections 1 to 20a and agreed upon between the township board and the lending corporation.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.345 Exercise of power by ordinance; incorporation and publication of contract as part of ordinance.**

Sec. 15.

The power conferred on a township by sections 13 and 14 shall be exercised by means of an ordinance adopted by the township board according to the procedure set forth in Act No. 191 of the Public Acts of 1939, being sections 41.191 to 41.192 of the Michigan Compiled Laws, and the contract agreed upon with the corporation as provided in section 14 shall be incorporated in and published as a part of the ordinance.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

**Compiler's Notes:** Act No. 191 of the Public Acts of 1939, cited in this section, was repealed by Act No. 78 of the Public Acts of 1989, Imd. Eff. June 20, 1989.

#### **41.346 Statutory lien upon net revenues; net revenues as trust funds.**

Sec. 16.

There shall be created in an ordinance required by section 15 a lien, by this act made a statutory lien, upon the net revenues of the water supply and sewage disposal project authorized by section 13. The authorizing ordinance shall pledge the net revenues to the payment of the principal of and interest upon the bonds issued under section 13 to and in favor of the holders of the bonds and the interest coupons pertaining to the bonds and each of the holders. The lien shall be a first lien upon the net revenues. The net revenues shall constitute trust funds for the purposes expressed in this section.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.347 Duration and enforcement of statutory lien.**

Sec. 17.

The net revenues pledged pursuant to section 13 remain subject to the statutory lien required by section 16 until payment in full of the principal of and interest upon the revenue bonds issued under section 13. The holder or holders of the bonds representing in the aggregate not less than 20 per cent of the entire issue then outstanding may, either at law or in equity, protect and enforce the statutory lien and enforce and compel the performance of duties of the officials of the borrower, including the fixing of sufficient rates, the collection of revenues, the proper segregation of revenues, and the proper application of revenues. However, the statutory lien does not give a holder or owner of a bond or coupon authority to compel the sale of the water supply and sewage disposal system, the revenues of which are pledged pursuant to section 13.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

**41.348 Default in payment of principal or interest on bond; appointment and powers of receiver.**

Sec. 18.

If there is a default in the payment of the principal of or interest upon a bond issued under section 13, a court having jurisdiction in a proper action may appoint a receiver to do 1 or more of the following:

(a) Administer and operate on behalf of the township, under the direction of the court, the water supply and sewage disposal system authorized by section 13, the revenues of which are pledged to the payment of the principal and interest.

(b) With the approval of the court, fix and charge rates and collect revenues sufficient to provide for the payment of bonds or other obligations outstanding against the revenues of the water supply and sewage disposal system authorized by section 13 and for the payment of expenses of operating and maintaining the system.

(c) With the approval of the court, apply the income and revenues of the water supply and sewage disposal system in conformity with sections 1 to 20a and the ordinance required by section 15 providing for the issuance of the bonds and in accordance with the court's orders.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

**41.349 Payment of principal and interest on bonds solely from net revenues; bond or coupon not general obligation or indebtedness; registration.**

Sec. 19.

The principal of and interest upon the bonds issued under section 13 are payable solely from net revenues derived from the operation of the water supply and sewage disposal system purchased, acquired, constructed, improved, enlarged, extended, or repaired from the proceeds of the bonds that are pledged in the authorizing ordinance, which may include, if the ordinance so provides, net revenues derived by reason of future improvements, enlargements, extensions, or repairs to the water supply and sewage disposal system. A bond or coupon issued pursuant to section 13 is not a general obligation of the borrower and does not constitute an indebtedness of the borrower within the meaning of a state constitutional provision or statutory limitation. Such a bond may be registered as to principal under the terms and conditions determined by the township board.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350 Operation or maintenance of public improvement; appropriation to pay expenses.**

Sec. 20.

A township that borrows money under section 13 may appropriate and use revenues from a source other than the operation of the public improvement authorized by section 13 to pay expenses of operation or maintenance of the public improvement.

**History:** Add. 1951, Act 201, Imd. Eff. June 14, 1951 ;-- Am. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350a Powers conferred by MCL 41.331 to 41.350.**

Sec. 20a.

Sections 1 to 20 constitute a new and independent authority for the exercise of the powers granted in those

sections. The powers conferred by sections 1 to 20 are not affected or limited by any other statute, except as expressly provided in those sections. Sections 1 to 20 create a full and complete additional and alternate method for the exercise of the powers conferred in those sections.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350b Water service for fire protection within district; special assessment; resolution.**

Sec. 20b.

In a township where there are lands serviced by a water system financed by revenue bonds issued under the revenue bond act of 1933, Act No. 94 of the Public Acts of 1933, being sections 141.101 to 141.140 of the Michigan Compiled Laws, or by bonds issued under the county public improvement act of 1939, Act No. 342 of the Public Acts of 1939, being sections 46.171 to 46.188 of the Michigan Compiled Laws; Act No. 185 of the Public Acts of 1957, being sections 123.731 to 123.786 of the Michigan Compiled Laws; or Act No. 233 of the Public Acts of 1955, being sections 124.281 to 124.294 of the Michigan Compiled Laws, having water service available for fire protection through fire hydrants and water mains, the township board may determine by resolution that the reasonable cost and value of the water service for fire protection within the district served by the water system shall be borne by a special assessment levied annually, while bonds are outstanding, against all of the real property located within the district, which shall constitute a special assessment district. A special assessment under this section shall not be levied against any property in 1 year in excess of 1/5 of 1% of the state equalized valuation of the property unless a special hearing is held.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350c Contents of resolution required by MCL 41.350b.**

Sec. 20c.

A resolution of the township board shall designate the boundaries of the special assessment district authorized by section 20b, estimate and determine the reasonable annual cost and value of the water service available for fire protection through fire hydrants and mains, and determine what portion of this annual fire protection cost should be paid for by special assessment because of benefits and what portion, if any, should be paid by the township out of general funds.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350d Annual fire protection cost; payment.**

Sec. 20d.

The township board may use unappropriated money in its general fund to pay for a portion of the annual fire protection cost described in section 20c, including money received under the provisions of sections 8 and 10 of article IX of the state constitution of 1963.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350e Fixing date for public hearing.**

Sec. 20e.

The township board shall fix a date for a public hearing upon the establishment of a special assessment district authorized by section 20b, the properties to be included in the district, the estimate of the reasonable cost and value of the fire protection afforded annually, and the assessments to be levied against the respective lots within the district.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350f Preparation and levy of assessment; report.**

Sec. 20f.

After fixing a date for a public hearing pursuant to section 20e, the township board shall direct that the assessment authorized by section 20b be prepared by the township supervisor, who shall levy the total sum estimated of fire protection benefit apportioned in accordance with benefits against all of the property located within the special assessment district benefited by the fire protection water service. The township supervisor shall then report the assessment to the township board. The report shall be made before the date of the hearing.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350g Making assessment on special assessment roll or on regular township tax roll; due date; collection; return for nonpayment.**

Sec. 20g.

The assessment authorized by section 20b may be made either on a special assessment roll or in a column provided for this purpose on the regular township tax roll. After the assessment has been confirmed, it shall become due and collected when other township taxes fall due and are collected and shall be returned for nonpayment in the same manner as other township taxes.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350h Conducting business at public meeting; notice.**

Sec. 20h.

The business that the township board performs pursuant to sections 20b to 20k shall be conducted at a public meeting held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. The township board shall give public notice of a meeting and the time, date, place, and purpose of the meeting in the manner required by Act No. 267 of the Public Acts of 1976 and by publishing a notice in a newspaper of general circulation in the district proposed to be assessed. If a newspaper is not circulated in the district, then notice shall be posted in at least 3 of the most public and conspicuous places in the district.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350i Public hearing; objections; determination; equitable change.**

Sec. 20i.

The township board shall hold the public hearing required by section 20e and hear and consider all objections relative to the establishment of the special assessment district authorized by section 20b, the boundaries of the district, the properties to be included in the district, the total amount so proposed to be assessed, and the respective individual assessments so proposed on the individual properties of the district. After the hearing, the township board shall determine whether or not the district shall be established and the assessments levied. The township board may change the district authorized by section 20b or the special assessments of the district as it considers equitable in accordance with the fire protection benefits conferred.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350j Review, correction, and confirmation of assessment roll; collection.**

Sec. 20j.

If the township board approves the establishment of a special assessment district authorized by section 20b, it shall review, correct, and confirm the assessment roll and direct that it be collected immediately in the same manner as township taxes.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350k Annual determination of amount to be assessed; levy; additional hearings.**

Sec. 20k.

After the creation of a special assessment district authorized by section 20b and while bonds are still outstanding, the township board may annually determine the amount to be assessed in the district and then levy that amount of annual assessments as special assessments against the benefited properties within the district. Further hearings shall not be held unless a change in the amount of annual assessment against an individual property is contemplated or attempted.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350l Contract with another township, city, or village for supplying water.**

Sec. 20l.

The township board of a township may contract with another township or a city or village for the supplying of water to the township for fire protection and domestic purposes under terms and conditions agreed upon between the township board and the legislative body of the other municipality.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350m Acquisition and installation of water supply facilities; borrowing money and issuing notes.**

Sec. 20m.

A township board may borrow money and issue notes for money necessary for acquisition and installation by the township of water supply facilities, including water mains and elevated water tanks, which are required of the township by the terms of a water supply contract authorized by section 20l.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989 ;-- Am. 2002, Act 227, Imd. Eff. Apr. 29, 2002

**41.350n Provisions to which transaction authorized by MCL 41.350m subject.**

Sec. 20n.

A transaction authorized by section 20m is subject to the following provisions:

(a) A note shall be payable in annual installments the aggregate of which does not exceed 10 and the first of which is due not later than August 1 after the calendar year in which the note is issued. Subsequent maturity dates, if any, shall likewise be August 1. The note shall bear interest at a rate not exceeding 4% per year, payable semiannually, and may be made subject to redemption on an interest payment date before maturity at par plus accrued interest on terms and conditions provided in the authorizing resolution.

(b) The amount of a loan authorized by section 20m shall not, when payable, exceed the following percentage of the total aggregate revenues derived from sales tax money received by the township for the preceding 5 calendar years:

- (i) For a loan payable in 10 installments 40%.
- (ii) For a loan payable in 9 installments 36%.
- (iii) For a loan payable in 8 installments 32%.
- (iv) For a loan payable in 7 installments 28%.
- (v) For a loan payable in 6 installments 24%.
- (vi) For a loan payable in 5 installments 20%.
- (vii) For a loan payable in 4 installments 16%.
- (viii) For a loan payable in 3 installments 12%.
- (ix) For a loan payable in 2 installments 8%.
- (x) For a loan payable in 1 installment 4%.

(c) The resolution authorizing the borrowing shall contain an irrevocable appropriation providing for the payment of the principal and interest from the money to be derived from state collected sales tax returned to the township. After the borrowing is authorized, the township treasurer shall set aside in a separate fund from the money received in each year an amount sufficient for the payment of the principal and interest of the loan maturing on August 1 of the next calendar year. The full faith and credit of the township shall not be pledged.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

**41.350o Notes issued under MCL 41.350m.**

Sec. 20o.

Notes issued under section 20m are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.



**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989 ;-- Am. 2002, Act 227, Imd. Eff. Apr. 29, 2002

#### **41.350p Pledge of sales tax money by ordinance.**

Sec. 20p.

To secure repayment of a loan authorized by section 20m, the township board may pledge, by ordinance as provided in sections 20q to 20s, all or any specified portion of sales tax money to be received by the township under sections 8 and 10 of article IX of the state constitution of 1963 during the period the loan remains outstanding.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350q Withholding and paying lender constitutionally allocated money.**

Sec. 20q.

An ordinance pledging sales tax money pursuant to section 20p may provide that the official charged with disbursement of sales tax money returnable to the township pursuant to sections 8 and 10 of article IX of the state constitution of 1963 shall withhold and pay to the lending person, firm, corporation, bank, or trust company such of the constitutionally allocated money of the township as may be necessary to fulfill the pledge.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350r Exercise of powers by ordinance; procedure.**

Sec. 20r.

By the affirmative vote of 2/3 of its members, the township board may adopt an ordinance relating to the exercise of the powers granted in sections 20l to 20t and to any other matter necessary or desirable to effectuate the full intent and purpose of sections 20 l to 20t, including provisions for control and maintenance of a water supply facility, charges for rights of connection with a facility for water service, charges for water delivered by means of a facility, and other provisions to ensure the proper and adequate operation of a facility. An ordinance adopted pursuant to this section becomes effective at the expiration of 30 days after the date of its publication unless a referendum is required as provided in section 20s. An ordinance adopted pursuant to this section shall be recorded in the minutes of the meeting of the township board as soon as practicable after its adoption. The record shall be authenticated by the signatures of the supervisor and clerk of the township. The ordinance shall be published promptly after its adoption in a newspaper of general circulation within the township. The ordinance may be so published as a part of the minutes of the meeting at which it was adopted. Except as otherwise provided in sections 20l to 20t, the provisions of this section are the sole requirements concerning the adoption and publication of the ordinance and are not limited by other statutory provisions.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350s Effective date of ordinance authorized by MCL 41.350r; petition; election.**

Sec. 20s.

If, within 30 days after the date of publication of an ordinance authorized by section 20r, a petition signed by not less than 10% of the registered electors residing within the limits of the township is filed with the township clerk requesting a referendum upon the effectiveness of the ordinance, then the ordinance does not become effective until approved by vote of a majority of the electors of the township qualified to vote and voting on the ordinance at an election. Signatures on the petition shall be verified by some person or persons under oath as the actual signatures of persons whose names are signed, and the township clerk shall have the same power to reject signatures and petitions as city clerks possess by law. The number of registered electors in the township shall be determined by the township clerk from the township registration books.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350t Powers cumulative.**

Sec. 20t.

The powers granted to townships in sections 20l to 20s are granted in addition to those granted by other statutes.

**History:** Add. 1989, Act 83, Imd. Eff. June 20, 1989

#### **41.350u Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 20u.

A petition under section 20s, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 195, Eff. Mar. 23, 1999

#### **41.351z Repealed. 1989, Act 83, Imd. Eff. June 20, 1989.**

**Compiler's Notes:** Sec. 21, as added by Act 201 of 1951, was assigned the compilation number "41.351" rather than "41.351a" to avoid a conflict with another section previously numbered "41.351a". Subsequent to its repeal, Sec. 21 was assigned compilation number 41.350z. The repealed section pertained to powers conferred by act.

## **TOWNSHIP WATER SUPPLY CONTRACTS**

### **Act 47 of 1941**

41.351-41.356 Repealed. 1989, Act 83, Imd. Eff. June 20, 1989.

## TOWNSHIP WATER SUPPLY CONTRACTS

### Act 88 of 1919

41.391-41.398 Repealed. 1989, Act 83, Imd. Eff. June 20, 1989.

## SIDEWALKS ALONG HIGHWAYS

### Act 251 of 1957

41.401,41.402 Repealed. 1989, Act 80, Imd. Eff. June 20, 1989.

## TOWNSHIP AND VILLAGE PUBLIC IMPROVEMENT AND PUBLIC SERVICE ACT

### Act 116 of 1923

AN ACT to authorize certain township or village public improvements and services; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

**History:** 1923, Act 116, Eff. Aug. 30, 1923 ;-- Am. 1925, Act 263, Eff. Aug. 27, 1925 ;-- Am. 1927, Act 58, Imd. Eff. Apr. 21, 1927 ;-- Am. 1929, Act 232, Eff. Aug. 28, 1929 ;-- Am. 1931, Act 140, Imd. Eff. May 21, 1931 ;-- Am. 1935, Act 68, Imd. Eff. May 18, 1935 ;-- Am. 1937, Act 318, Imd. Eff. July 27, 1937 ;-- Am. 1941, Act 201, Eff. Jan. 10, 1942 ;-- Am. 1945, Act 239, Eff. Sept. 6, 1945 ;-- Am. 1947, Act 150, Imd. Eff. June 2, 1947 ;-- Am. 1952, Act 43, Imd. Eff. Apr. 1, 1952 ;-- Am. 1957, Act 227, Eff. Sept. 27, 1957 ;-- Am. 1961, Act 33, Imd. Eff. May 18, 1961 ;-- Am. 1989, Act 82, Imd. Eff. June 20, 1989 ;-- Am. 1998, Act 159, Eff. Mar. 23, 1999

*The People of the State of Michigan enact:*

### **41.411 Township board, common council, or board of trustees of incorporated village; powers and duties; short title.**

#### **Sec. 1.**

(1) In township lands, the township board or common council or board of trustees of an incorporated village may do 1 or more of the following:

(a) Make public improvements and provide public service by constructing bridges over natural or artificial waterways; grading, paving, curbing, stoning, graveling, macadamizing, or cinderizing streets; treating the streets with chloride or other suitable dust laying process or material; laying storm sewers to care for surface water in the streets; destroying weeds; providing street markers and lighting; contracting for public transportation facilities; providing police protection or contracting for police protection; establishing and maintaining garbage and mixed refuse systems or plants for the collection and disposal of garbage and mixed refuse or contracting for such collection and disposal for not to exceed 30 years; constructing or acquiring and maintaining sanitary sewers and sewage disposal plants or equipment; constructing filtration plants; constructing sidewalks; purchasing or constructing waterworks; purchasing fire apparatus and equipment; constructing and maintaining housing facilities for fire apparatus and equipment; making extensions of water mains to provide water for fire protection and domestic uses; trimming and spraying trees and shrubbery; providing and maintaining soil and beach erosion control measures including, but not limited to, the construction of breakwaters, retaining walls, and sea walls, in or for township lands or waters adjacent or contiguous to township lands; establishing and conducting chemical beach treatment service necessary for the control of aquatic nuisances such as swimmers' itch or contracting with others to provide the services.

(b) Levy and collect special assessments to pay the cost of an improvement or service and issue bonds in anticipation of the collection of the special assessments, upon filing the petition and subject to the terms and conditions provided in sections 2 to 5.

(2) In an incorporated village, the common council or board of trustees is vested with and shall perform the powers and duties vested by this section and sections 2 to 5 in the township board in areas outside of the incorporated village.

(3) The township board or common council or board of trustees of an incorporated village may purchase, accept by gift or devise, or condemn private property. If the property is to be acquired by condemnation, the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.25 of the Michigan Compiled Laws; the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws; or other appropriate provisions of law may be adopted and used for the purpose of instituting and prosecuting the condemnation proceedings.

(4) This act shall be known and may be cited as the "township and village public improvement and public service act".

**History:** 1923, Act 116, Eff. Aug. 30, 1923 ;-- Am. 1925, Act 263, Eff. Aug. 27, 1925 ;-- Am. 1927, Act 58, Imd. Eff. Apr. 21, 1927 ;-- Am. 1929, Act 232, Eff. Aug. 28, 1929 ;-- CL 1929, 2385 ;-- Am. 1931, Act 140, Imd. Eff. May 21, 1931 ;-- Am. 1937, Act 318, Imd. Eff. July 27, 1937 ;-- Am. 1941, Act 201, Eff. Jan. 10, 1942 ;-- Am. 1945, Act 239, Eff. Sept. 6, 1945 ;-- Am. 1947, Act 150, Imd. Eff. June 2, 1947 ;-- CL 1948, 41.411 ;-- Am. 1952, Act 43, Imd. Eff. Apr. 1, 1952 ;-- Am. 1957, Act 227, Eff. Sept. 27, 1957 ;-- Am. 1961, Act 33, Imd. Eff. May 18, 1961 ;-- Am. 1967, Ex. Sess., Act 1, Imd. Eff. Nov. 3, 1967 ;-- Am. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.412 Special assessment district; creation, enlargement, and discontinuance; petitions; assessment.**

##### **Sec. 2.**

Upon the filing of petitions verified both as to signature and ownership, signed by record owners of land to be made into a special assessment district in which an improvement or service specified in section 1 is desired by the owners of the land, the township board may construct and maintain the improvement or provide the service, determine the cost of the improvement or service, and create, define, and establish a special assessment district within all or within and comprising not less than 80% of the area. The cost of the improvement or service shall be levied upon the district. However, the record owners of not less than 51% of the land actually created into the special assessment district by the township board must have signed the petitions. A district established and assessed may be enlarged through a petition, circulated and signed as required for an original district, but covering only the area to be added to create the enlarged district. Benefits of an improvement or service may be extended to the added part, and the entire enlarged district may be assessed for the improvement or service, as provided for an original district. If a service has been instituted and no assessment bonds for the service are outstanding, the service may be discontinued upon petition by owners of 51% of the lands.

**History:** 1923, Act 116, Eff. Aug. 30, 1923 ;-- Am. 1927, Act 58, Imd. Eff. Apr. 21, 1927 ;-- CL 1929, 2386 ;-- Am. 1941, Act 201, Eff. Jan. 10, 1942 ;-- Am. 1947, Act 150, Imd. Eff. June 2, 1947 ;-- CL 1948, 41.412 ;-- Am. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.413 Cost of proposed improvement or service; special assessment bonds; special assessment taxes; proceedings; insufficiency of special assessment fund; advancement of township funds; reimbursement.**

##### **Sec. 3.**

Before commencing an improvement or service authorized by section 1, the township board shall obtain from competent sources maps, plans, and estimates of the proposed improvement or service, shall determine by resolution the cost of the proposed improvement or service, and shall provide for the making of a special assessment upon each parcel of land in the special assessment district by benefits and for the issuing and sale of special assessment bonds in anticipation of the collection of the special assessment taxes. The special assessment bonds shall not be issued before the final confirmation of the assessment roll by the township board. A proceeding relating to the making, levying, and collection of a special assessment authorized by this section and to issuing bonds in anticipation of the collection of the special assessment shall conform, as near as may be, to a proceeding for levying a special assessment and issuing special assessment bonds by a village for a similar improvement or

service, as set forth in Act No. 3 of the Public Acts of 1895, as amended, being sections 61.1 to 74.22 of the Michigan Compiled Laws. If the special assessment fund is insufficient to pay the bonds and interest on the bonds when due and the bonds were issued subsequent to April 21, 1927, the township board may advance the amount necessary to pay the bonds and shall be reimbursed from the assessments when collected or by reassessment of the deficiency if necessary. However, as to bonds issued subsequent to July 1, 1951, the township board may, at the time of issuance, pledge the full faith and credit of the township for the payment of the bonds, and if the special assessment fund is insufficient to pay the bonds and interest on the bonds when due, the township board shall advance the amount necessary to pay the bonds and shall be reimbursed from the assessments when collected or by reassessment of the deficiency against the special assessment district, if necessary.

**History:** 1923, Act 116, Eff. Aug. 30, 1923 ;-- Am. 1927, Act 58, Imd. Eff. Apr. 21, 1927 ;-- CL 1929, 2387 ;-- Am. 1934, 1st Ex. Sess., Act 24, Imd. Eff. Mar. 28, 1934 ;-- CL 1948, 41.413 ;-- Am. 1951, Act 32, Imd. Eff. May 3, 1951 ;-- Am. 1989, Act 82, Imd. Eff. June 20, 1989

**41.413a Waterworks; control and operation; election and terms of members of board of public service commissioners; vacancy; member as resident of district; annual township election defined; employees; violation of MCL 168.1 to 168.992 applicable to petitions; penalties; dissolution of board; records.**

**Sec. 3a.**

(1) A waterworks established under sections 1 to 5 and any other service provided under sections 1 to 5 for a district having a waterworks may be under the control of and operated by a board of public service commissioners, except that in a village such an improvement or service shall be under the control of and operated by the legislative body of the village. The board of public service commissioners shall consist of 5 commissioners elected at the annual township election by the qualified electors residing in the district. A vacancy on the board of public service commissioners shall be filled by the remaining members of the board until the next annual township election, at which election the vacancy shall be filled for the unexpired term. A member of the board of public service commissioners shall be a resident of the district. As used in this section, "annual township election" means an election held on the first Tuesday after the first Monday in November every year.

(2) The township clerk shall call a special township election, upon the filing with the clerk of a petition signed by 25 registered electors of the district, for the election of the members of the board of public service commissioners to hold office until the first annual township election. At the first annual township election held under this section, 2 commissioners shall be elected for a term of 3 years, 2 commissioners shall be elected for a term of 2 years, and 1 commissioner shall be elected for a term of 1 year. After the first annual township election, a commissioner shall be elected for a term of 3 years. The commission may hire necessary employees to carry out the purpose of sections 1 to 5. The provisions of this section do not apply to a waterworks facility constituting only a part of a general township water system. A petition under this subsection, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this subsection is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(3) A board of public service commissioners may dissolve itself, alone or together with the district, upon satisfaction of all of the following requirements:

(a) The board of public service commissioners shall prepare a financial report of the assets and liabilities of the district. The financial report shall include a description of obligations of the district, an accounting of money held by the district, an appraisal or inventory of other assets of the district, and a description of any encumbrances on assets of the district. The board of public service commissioners shall file a copy of the financial report with the township clerk of the township where the district is located.

(b) The board of public service commissioners shall hold a public hearing on the issue of the dissolution. In addition to satisfying the requirements of the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, the board of public service commissioners shall publish notice of the hearing in a newspaper of general circulation in the township where the district is located not less than 10 days before the hearing. The notice shall give the time, date, location, and purpose of the hearing and state that a copy of the financial report is available for public inspection at the office of the township clerk.

(c) After the hearing, the board of public service commissioners shall prepare a plan for the transfer of the assets and liabilities of the district to the township where the district is located. The plan shall not impair the rights of holders of special assessment bonds issued pursuant to section 3 or the rights of property owners served by the

waterworks.

(d) The township board of the township where the district is located shall adopt a resolution agreeing to the dissolution of the board of public service commissioners, alone or together with the district, in accordance with the plan under subdivision (c).

(e) After the township board adopts a resolution under subdivision (d), the board of public service commissioners shall adopt a consistent resolution to dissolve itself, alone or together with the district, in accordance with the plan under subdivision (c).

(4) As its last act before the effective date of dissolution, a board of public service commissioners shall file its records with the clerk of the township where the district is located, for safekeeping and reference.

**History:** Add. 1935, Act 68, Imd. Eff. May 18, 1935 ;-- Am. 1937, Act 318, Imd. Eff. July 27, 1937 ;-- Am. 1941, Act 201, Eff. Jan. 10, 1942 ;-- CL 1948, 41.413a ;-- Am. 1989, Act 82, Imd. Eff. June 20, 1989 ;-- Am. 1992, Act 177, Imd. Eff. July 27, 1992 ;-- Am. 1998, Act 159, Eff. Mar. 23, 1999

#### **41.413b Lighting in residential areas; special assessments; basis.**

Sec. 3b.

Special assessments levied under this act for lighting purposes in township residential areas shall be based on benefit received by the property owner and may be determined on the equivalent front footage basis or may be levied equally on each parcel of property to be assessed.

**History:** Add. 1971, Act 164, Eff. Mar. 30, 1972

#### **41.414 Special assessment installments; limitations; collection; appeal; tapping works to supply water outside of village or district; restrictions; special assessment after December 31, 1998; "taxable value" defined; finding of invalid assessment.**

Sec. 4.

(1) For a special assessment levied before January 1, 1999 for the cost of an improvement or service specified in section 1, the special assessment installments for 1 year shall not be levied on property in excess of 15% of that property's assessed valuation. For a special assessment levied after December 31, 1998 for the cost of an improvement or service specified in section 1, the special assessment installments for 1 year shall not be levied on property in excess of 15% of that property's taxable value. For a special assessment levied before January 1, 1999, the total assessment installments for a year for a combination of improvements or services specified in section 1, regardless of the year in which the assessment installments are levied, shall not exceed 45% of the property's assessed valuation. For a special assessment levied after December 31, 1998, the total assessment installments for a year for a combination of improvements or services specified in section 1, regardless of the year in which the assessment installments are levied, shall not exceed 45% of the property's taxable value. The collection of the special assessments shall be by installments as provided by the general law village act, 1895 PA 3, MCL 61.1 to 74.25. However, assessments for paving, for street markers and lampposts, or for a combination of projects authorized by section 1 that includes paving may be divided into a number of annual installments not exceeding 10. Assessments for the construction of filtration plants, for the construction or extension of sanitary sewers or water mains to provide water for fire protection and domestic uses, or for a combination of projects authorized by section 1 that includes the construction or extension of sanitary sewers or water mains to provide water for fire protection and domestic uses may be divided into a number of annual installments not exceeding 20. Assessments for the purchase or construction of waterworks or sewage disposal plants may be divided into a number of annual installments not exceeding 40.

(2) An appeal may be taken from the assessment of the supervisor to the board of public service commissioners, which shall act as a board of review and have the same powers and duties and be governed by the same procedures and the same legal consequences as the board of review provided for in the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(3) If a village or district is served by a waterworks, water reservoir, or aqueduct to a source of water supply

established without expense to the township at large, the works shall not be tapped for the purpose of supplying water outside of the village or district if the tapping would seriously deplete or imperil the water supply or pressure of the village or district. The works shall not be tapped in any case without the consent of the board of public service commissioners. If a village or district is served by a public improvement or service described in section 1 that has been established and is being operated without expense to the township, no part of a tax or assessment shall be levied by the township upon the village or district for the purpose of establishing or operating a similar improvement or facility for other parts of the township.

(4) After December 31, 1998, any ad valorem special assessment levied under this act shall be levied on the taxable value of the property assessed.

(5) As used in this section, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(6) If the levy of an ad valorem special assessment on the property's taxable value is found to be invalid by a court of competent jurisdiction, the levy of the ad valorem special assessment shall be levied on the property's state equalized value.

**History:** 1923, Act 116, Eff. Aug. 30, 1923 ;-- Am. 1927, Act 58, Imd. Eff. Apr. 21, 1927 ;-- Am. 1929, Act 232, Eff. Aug. 28, 1929 ;-- CL 1929, 2388 ;-- Am. 1931, Act 204, Eff. Sept. 18, 1931 ;-- Am. 1937, Act 318, Imd. Eff. July 27, 1937 ;-- Am. 1941, Act 201, Eff. Jan. 10, 1942 ;-- Am. 1947, Act 110, Eff. Oct. 11, 1947 ;-- CL 1948, 41.414 ;-- Am. 1989, Act 82, Imd. Eff. June 20, 1989 ;-- Am. 1998, Act 542, Imd. Eff. Jan. 20, 1999

**Compiler's Notes:** For provisions of Act 3 of 1895, referred to in this section, see MCL 61.1 et seq.

#### **41.415 Special assessments levied against platted corner lots; payment by township.**

##### **Sec. 5.**

The governing body of a township, by resolution, may agree to pay up to 1/3 of the cost of the special assessments levied against any platted corner lot for the payment of public improvements authorized under sections 1 to 4.

**History:** Add. 1959, Act 178, Eff. Mar. 19, 1960 ;-- Am. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.416 Borrowing money; motion; application; referendum; issuing bonds; use of money borrowed.**

##### **Sec. 6.**

On a township board's own motion or after an application has been filed with the township board signed by at least 20% of the registered electors of the township, and subject to the referendum required in section 6a, the township board of an organized township may borrow money, not exceeding 5% of the assessed valuation of the township according to the assessed valuation of all the real and personal property of the township for the preceding December 31, on the faith and credit of the township. The township may issue bonds for the repayment of money borrowed under this section. The money borrowed shall be used for 1 or more of the following purposes:

- (a) Acquiring a site for, erecting, and furnishing a town hall, fire station, or library.
- (b) Making additions and improvements to an existing site, town hall, fire station, library, or other township public building.
- (c) Purchasing and furnishing a building to be used for a town hall, fire station, library, or other township public building.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.416a Requirements of application filed pursuant to MCL 41.416; resolution; submission of proposition**



**to electors of township; ballot; notices; calling special election.**

Sec. 6a.

(1) Upon the filing of an application with a township board pursuant to section 6, the board shall determine if the application meets the requirements of section 6. If the township board determines that the requirements of section 6 are met, the board shall by resolution provide for the submission of the proposition to the electors of the township at the general election or a special election to be held within 90 days after the adoption of the resolution. The township board shall prescribe in the resolution the form of ballot to be used in voting upon the proposition, whether the proposition shall be voted upon at a special election to be called by the township board for that purpose or at the general election, and that the township clerk of the township give notice of the proposition and of the vote by posting notices signed by the clerk in not less than 3 public and conspicuous places in each election district of the township. Notice shall be given not less than 20 days before the general or special election and shall set forth the form of the ballot to be used.

(2) In addition to the other provisions of the resolution specified in subsection (1), if the proposition is to be voted upon at a special election, the township board shall call the special election.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

**41.416b Conduct of election; canvass of vote.**

Sec. 6b.

The general election or special election to be held under section 6a shall be conducted and the vote shall be canvassed in the same manner as is provided by law for ordinary township elections.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

**41.416c Issuance and sale of bonds in conformity with revised municipal finance act.**

Sec. 6c.

If a township votes in favor of borrowing money and issuing bonds as provided in sections 6 to 6b, the township board of the township may issue and sell the bonds in conformity with the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989 ;-- Am. 2002, Act 274, Imd. Eff. May 9, 2002

**41.416d Levy and collection of tax.**

Sec. 6d.

If bonds issued by a township under sections 6 to 6c have been sold, the township board of the township may in each year impose a tax upon the taxable property of the township for the purpose of paying the sums of money that become due before the collection of the taxes of the next succeeding year upon the principal of the bonds, or any part of the bonds, and the interest. The tax shall be levied and collected in the same manner as other township taxes are levied and collected.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989



#### **41.416e Tax for maintenance, upkeep, or repair of public buildings.**

Sec. 6e.

A township may, at a primary, general, or special election, vote a tax upon the property of the township not to exceed 1/20 of 1% of the assessed valuation of the township according to the assessed valuation of all the real and personal property of the township for the preceding year. The township board shall use the money raised by the tax for the maintenance, upkeep, or repair of the township hall, fire station, library, or other public buildings of the township.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.416f Library.**

Sec. 6f.

The township board of an organized township may purchase a site and building for a library or lease, construct, remodel, add to, and maintain a building or space for a library.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.417 Use of building by township for public purposes where real property becomes part of incorporated village or city.**

Sec. 7.

If a township is the owner of real property within the township where a building used for township purposes is located and, subsequent to the erection of the building, the real property becomes part of an incorporated village or city, the township may use the building for township purposes, including the holding of an election and the adoption of a resolution or other action by the township or its officers. The use of the building for township purposes is valid in all respects as though the building were located within the corporate limits of the township.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.417a Township or village scales.**

Sec. 7a.

A township board or village council may appropriate money to establish a township or village scale for the weighing of farm produce and for other purposes. Money appropriated shall be assessed, levied, and collected in the same manner as other expenses of the township or village are assessed, levied, and collected. The maintenance, management, and control of the scales shall be under the direction of the township board or village council. The expense connected with the scales shall be paid in the same manner as other expenses of the township or village are paid.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.418 Weed control.**

##### **Sec. 8.**

Upon receipt of a petition signed by 25 individuals who reside and own real property within the township requesting the control of weeds in inland public lakes situated within the township, a township board may appropriate money from the contingent or general fund to control the weeds.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.418a Control of weeds in inland public lakes.**

##### **Sec. 8a.**

A township board may appropriate money from the contingent or general fund for entering into agreements with other townships in this state to control weeds in inland public lakes situated within more than 1 township of this state.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

#### **41.418b Use of pesticide for weed control in inland lake; "pesticide" defined.**

##### **Sec. 8b.**

(1) A pesticide shall not be used for weed control in an inland lake except with the consent of, and under the supervision of, the department of natural resources.

(2) As used in this section, "pesticide" means that term as defined in section 8305 of part 83 (pesticide control) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being section 324.8305 of the Michigan Compiled Laws.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989 ;-- Am. 1996, Act 35, Imd. Eff. Feb. 26, 1996

#### **41.419 Spraying of trees or shrubs.**

##### **Sec. 9.**

A township board may provide for the spraying of trees or shrubs within its jurisdiction for the prevention of Dutch elm disease or other diseases or insect pests destructive to trees or shrubs. The cost of the spraying may be paid from funds created specially for this purpose, money appropriated from other funds of the township, or both.

**History:** Add. 1989, Act 82, Imd. Eff. June 20, 1989

## **TOWNSHIP PARKS AND PLACES OF RECREATION**

## Act 157 of 1905

AN ACT to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for the dissolution of a township park commission; to provide for a board of commissioners; to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; to provide the powers and duties of certain local units of government and certain officials; and to prescribe penalties and provide remedies.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- Am. 1941, Act 308, Eff. Jan. 10, 1942 ;-- Am. 1964, Act 32, Imd. Eff. May 4, 1964 ;-- Am. 1989, Act 79, Imd. Eff. June 20, 1989 ;-- Am. 1998, Act 160, Eff. Mar. 23, 1999 ;-- Am. 2008, Act 496, Imd. Eff. Jan. 13, 2009

*The People of the State of Michigan enact:*

### **41.421 Township parks; acquisition; control by board of commissioners; condemnation of land.**

#### Sec. 1.

Any township or townships, being a contiguous or adjacent territory, may acquire by gift or devise a tract of real estate which shall be contiguous or adjacent to the territory acquiring the same for a free public park, resort, bathing beach or other place of recreation, and may hold such real estate in fee simple for such purposes. The supervisor of each of such townships shall comprise a board of commissioners for the control of such park or resort and in case any such supervisor shall decline to act as such commissioner, then the township board shall designate a member of the township board to act as such commissioner. In case there is only 1 township interested in such park, then the township board shall be the board of commissioners. Such commissioners shall act in that capacity during the term of office to which they were elected respectively in their townships and until their successors are elected and qualified.

Such commission shall have authority in the name or names of the interested township or townships to condemn land for such purpose in accordance with the condemnation laws of this state.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2192 ;-- CL 1929, 2400 ;-- Am. 1941, Act 308, Eff. Jan. 10, 1942 ;-- CL 1948, 41.421 ;-- Am. 1964, Act 32, Imd. Eff. May 4, 1964

### **41.422 Place of recreation; adoption of rules and regulations by board of commissioners; violation as misdemeanor; recreational trailway; posting of regulations; prohibited operation of vehicle as municipal civil infraction; penalty; admission charges.**

#### Sec. 2.

(1) The board of commissioners may adopt rules and regulations for the use and maintenance of the place of recreation, including the hours during which the place of recreation shall be open to the public, and may make leases for the purposes of erecting cottages and other necessary buildings under such rules and regulations as it considers expedient. Under any such lease no spirituous or malt liquors shall be sold on the premises.

(2) A person who violates the rules and regulations of the board of commissioners is guilty of a misdemeanor.

(3) A rule or regulation that regulates a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.

(4) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by a rule or regulation is a municipal civil infraction, whether or not so designated by the rule or regulation. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the rule or regulation or \$500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that is excluded from the definition of municipal civil infraction in section 113 of the revised judicature act of 1961, Act No. 236 of the

Public Acts of 1961, being section 600.113 of the Michigan Compiled Laws.

(5) A charge for admission to the place of recreation may be made by the board of commissioners, but the charge shall not exceed the charge for admission to state parks of this state. Funds received from such admissions shall be used for the improvement of the places of recreation.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2193 ;-- CL 1929, 2401 ;-- Am. 1941, Act 308, Eff. Jan. 10, 1942 ;-- CL 1948, 41.422 ;-- Am. 1964, Act 32, Imd. Eff. May 4, 1964 ;-- Am. 1994, Act 88, Eff. Oct. 1, 1994

#### **41.423 Board of commissioners; election of officers; employees; record of transactions; treasurer, bond.**

Sec. 3.

The said board of commissioners shall annually elect 1 of its members as president. It shall elect a secretary and treasurer, and may appoint such other officers or employees as it may deem necessary. The secretary shall keep a correct record of all the transactions of the board of commissioners, which shall be a public record, and may be inspected at all times by any taxpayer residing in any township owning an interest in any such park or resort as a grantee. The treasurer shall give a bond in the penal sum of 6,000 dollars.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2194 ;-- CL 1929, 2402 ;-- CL 1948, 41.423

#### **41.424 Township parks; plan for acquisition, specifications; referendum, adoption, record.**

Sec. 4.

Any plan for the securing such park or resort shall fully set forth the premises which it is intended to occupy as a park or resort, and specify the sum which each of said townships will raise by tax each year for the maintenance and support thereof, which shall not be less than 1/10 of a mill nor more than 5 mills on the respective valuations of each of said townships. Said moneys so received shall be paid to the treasurer of said board of commissioners, and shall be paid out on orders drawn on him, signed by the chairman and secretary of said board of commissioners. The full proposition shall be submitted to the qualified electors of each township at a regular or special election, and if adopted by a majority vote shall be a binding contract on such township, and if adopted, shall be recorded in the office of the register of deeds in the county or counties in which said lands shall be situated. The manner of conducting, noticing, canvassing, returning and declaring the result of such election shall, as near as may be, be the same as is now prescribed by the general election law governing elections in said townships for the election of township officers.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2195 ;-- CL 1929, 2403 ;-- CL 1948, 41.424

#### **41.425 Exemption from taxation.**

Sec. 5.

So much of the estate, both real and personal, as is owned by such township or townships shall be exempt from taxes, but all improvements under lease for private use shall be liable to be taxed.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2196 ;-- CL 1929, 2404 ;-- CL 1948, 41.425

**41.425a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 5a.

A petition under section 6, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

**History:** Add. 1998, Act 160, Eff. Mar. 23, 1999

**41.426 Township park commission; petition; election; membership; terms; increase or decrease in number of members; vacancy.**

Sec. 6.

(1) On receipt of a written petition signed by not less than 8% of the registered voters of a township, the township board of that township, at its first meeting after the receipt of the petition, shall submit the question of establishing a township park commission to the registered voters of the township at the next regular election to be held in the township. If a majority of the registered voters voting on the question vote in favor of establishing a township park commission, the township board shall appoint the following number of members to a township park commission:

(a) Before the effective date of the amendatory act that added subsection (3), 6 members.

(b) On and after the effective date of the amendatory act that added subsection (3), an odd number of members not fewer than 5 or more than 9 as determined by the township board.

(2) The members appointed pursuant to subsection (1) shall serve until the next township election at which township officers are elected. At the next township election at which township officers are elected held pursuant to section 358 of the Michigan election law, 1954 PA 116, MCL 168.358, the number of members of the township park commission as determined under subsection (1) shall be elected for terms of 4 years each.

(3) On and after the effective date of the amendatory act that added this subsection, a township board shall increase or decrease the number of members of an existing township park commission in conformity with subsection (1)(b). If the township board increases the number of members of the township park commission board, the township board shall appoint the additional members who shall serve for the period prescribed in sections 370 and 370a of the Michigan election law, 1954 PA 116, MCL 168.370 and 168.370a. If the township board decreases the number of members of the township park commission board, the members of the township park commission then serving shall remain in office until the next township election at which township officers are elected held pursuant to section 358 of the Michigan election law, 1954 PA 116, MCL 168.358.

(4) After a township board increases or decreases the number of members of an existing township park commission in conformity with subsection (1)(b), any future increase or decrease in the number of park commission members shall only occur at a township election at which township officers are elected held pursuant to section 358 of the Michigan election law, 1954 PA 116, MCL 168.358.

(5) A vacancy in the township park commission shall be filled by appointment of the township board for the period prescribed in sections 370 and 370a of the Michigan election law, 1954 PA 116, MCL 168.370 and 168.370a.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989 ;-- Am. 1999, Act 15, Imd. Eff. Apr. 27, 1999

**41.426a Township park commission; authority generally.**

Sec. 6a.

The township park commission shall have authority to acquire, maintain, manage, and control township parks and places of recreation, including bathing beaches, and shall have authority, in the name of the township, to

condemn land for those purposes, in accordance with the condemnation laws of this state. The township board may authorize the township park commission to act as the township recreation board provided by Act No. 156 of the Public Acts of 1917, being sections 123.51 to 123.54 of the Michigan Compiled Laws. The township park commission may accept, in the name of the township, gifts, grants, and devises of land suitable for parks and places of recreation, and gifts and bequests of money. That money shall be held in trust and used for the acquisition and improvement of land suitable for parks and places of recreation.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

**41.426b Township park commission; compensation of members; employment of clerical assistance; expenses.**

Sec. 6b.

The members of the township park commission shall receive compensation as fixed by the township board. The township park commission may employ clerical assistance and incur other expenses that are authorized by the township board. Compensation and expenses shall be paid from the park maintenance fund provided for in section 6c.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

**41.426c Budget; limitation; assessment, levy, and collection of tax.**

Sec. 6c.

The township park commission shall submit to the township board a detailed budget covering the cost of maintenance of the township parks and places of recreation of the township for the ensuing year. The budget shall not exceed 1 and 1/2 mill on the assessed valuation of the township. The township board shall examine the budget and shall approve the entire budget, or a part of the budget that the board considers reasonable and necessary, which sum shall be incorporated into the tax on the township, and when collected shall be deposited by the township treasurer in a fund to be known as the park maintenance fund. Expenditures from this fund shall be on vouchers approved by the township park commission, and it shall be the duty of the township treasurer to allow and pay these vouchers on presentation to him or her. The assessment, levy, and collection of the tax provided in this section shall be performed in the manner provided in the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

**41.426d Township bonds; acquisition of lands for parks and places of recreation; payment.**

Sec. 6d.

The township park commission may request that the township board submit to the voters of the township the question of the issuance of township bonds, the proceeds of which shall be used in the acquisition of lands for township parks and places of recreation. A majority vote of the qualified voters voting shall authorize the issuance of township bonds. The issuance of township bonds shall be governed by the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. However, if the township has no outstanding indebtedness, bonded or otherwise, and the amount of the total proposed acquisition cost is less than 1 per cent of the assessed valuation of the township, the township board may authorize and direct the township park commission to purchase or condemn designated lands for township parks and places of recreation and may pay annually to the township park

commission the available portions of contingent funds of the township necessary to pay for the acquisition of the lands. The township board shall determine the maximum amount to be paid for these lands and if acquisition is made by purchase instead of condemnation, shall also prescribe the terms of payment.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989 ;-- Am. 2002, Act 228, Imd. Eff. Apr. 29, 2002

#### **41.426e Sale or conveyance of portions of land not needed.**

Sec. 6e.

If land is, or has been, acquired under this act by a township park commission, the commission, subject to approval of the township board, may sell and convey the portion or portions not needed on terms the township board considers proper.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

#### **41.426f Annual report.**

Sec. 6f.

The township park commission shall make a detailed annual report concerning township parks and places of recreation to the township board and to the state treasurer, in the form and containing information that the state treasurer directs.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

#### **41.426g Township park commission; dissolution; procedures.**

Sec. 6g.

(1) On receipt of a written petition signed by not less than 8% of the registered voters of a township, the township board of that township, at its first meeting after receipt of the petition, shall submit the question of dissolving the township park commission to the registered voters of the township at the next regular election to be held in the township. If a majority of the registered voters voting on the question vote in favor of dissolving the township park commission, the township park commission is dissolved.

(2) If a township park commission is dissolved pursuant to subsection (1), the powers and duties and all of the assets and liabilities of the township park commission shall be transferred to the township board of that township.

**History:** Add. 2008, Act 496, Imd. Eff. Jan. 13, 2009

#### **41.426h Township park commission; dissolution; validation; ratification.**

Sec. 6h.

Action taken by a township board to dissolve a township park commission that was approved by a majority of the township voters voting on the question at the November 2006 general election is validated and ratified, and the

township park commission is dissolved.

**History:** Add. 2008, Act 496, Imd. Eff. Jan. 13, 2009

#### **41.427 Conveyances to and duties of board of county park trustees.**

Sec. 7.

The township board of a township may convey to the board of county park trustees of a county in which the township is located lands held by the township for township parks or places of recreation, including lands acquired by the township through the dedication of a plat duly approved and recorded, or may arrange with the board of county park trustees for the improvement, maintenance, management, and control of those lands. Upon the acceptance by the county park trustees of the transfer and conveyance, or upon the making of any arrangement for the care, management, and control, the county park trustees shall be charged with all the duties relating to parks and public places as are provided by Act No. 90 of the Public Acts of 1913, being sections 123.61 to 123.68 of the Michigan Compiled Laws.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

#### **41.428 Appropriation; purpose; contribution to park commission.**

Sec. 8.

The legislative body of a city or village may appropriate, out of the general or contingent funds of that city or village, funds for the purpose of contributing toward the cost of the acquisition, support, maintenance, upkeep, and improvement of land acquired by a township, or 2 or more townships, for use as a free public park, resort, bathing beach, or other place of recreation. The contribution shall be made to the park commission created by the act under which the park site was or will be acquired.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

#### **41.429 Wharves, piers, docks, and landing places.**

Sec. 9.

(1) A township abutting upon navigable waters in this state may acquire, construct, and maintain wharves, piers, docks, and landing places for the use and benefit of the public and may lease and control the wharves, piers, docks, and landing places. The township board shall act for the township in acquiring, constructing, and maintaining wharves, piers, docks, and landing places if authorized to do so by the affirmative vote of 3/5 of the registered voters of the township voting on the question at a general or special election.

(2) Proceedings taken under this section shall be taken by the township board, which has the power and authority usually exercised by the board of county road commissioners of the township in acquiring land for laying out, constructing, and maintaining highways. The township board may acquire land for wharves, piers, docks, and landing places and lay out, construct, and maintain these in accordance with the same proceedings, so far as applicable, as are required to be taken by the board of county road commissioners of the township for acquiring land and constructing and maintaining highways. Act No. 283 of the Public Acts of 1909, being sections 220.1 to 239.6 of the Michigan Compiled Laws, is extended to include wharves, piers, docks, and landing places, subject to the provisions contained in this section.



**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

## **TOWNSHIP PARKS**

### **Act 300 of 1939**

41.431 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **TOWNSHIP PARK COMMISSION**

### **Act 271 of 1931**

41.441-41.446 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **TOWNSHIP PARK, CITY, OR VILLAGE APPROPRIATION**

### **Act 307 of 1941**

41.461 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **WHARFS, PIERS, AND DOCKS**

### **Act 286 of 1923**

41.481,41.482 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **TOWNSHIP SCALES**

### **Act 123 of 1917**

41.491 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

## **RECREATION HALLS IN TOWNSHIPS**

### **Act 53 of 1921**

41.501-41.507 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **RECREATION HALLS IN TOWNSHIPS**

### **Act 97 of 1919**

41.531-41.535 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **BILLIARD AND POOL ROOMS**

### **Act 162 of 1915**

41.541-41.543 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **BILLIARD AND POOL ROOMS**

### **Act 210 of 1911**

41.551,41.552 Repealed. 1963, Act 140, Imd. Eff. May 10, 1963.

## **BILLIARD AND POOL ROOMS**

### **Act 140 of 1963**

41.561,41.562 Repealed. 1989, Act 79, Imd. Eff. June 20, 1989.

## **SURETY BONDS; COST**

### **Act 130 of 1915**

41.601 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

## **ADDITIONAL SURETIES FROM TOWNSHIP TREASURER**

### **Act 51 of 1867**

41.611-41.617 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

## **CODIFICATION AND PUBLICATION OF ORDINANCES**

**Act 144 of 1969**

41.641 Repealed. 1989, Act 78, Imd. Eff. June 20, 1989.

**ADMINISTRATION OF OATHS BY SUPERVISORS**

**Act 168 of 1877**

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

**TOWNSHIP ATTORNEY**

**Act 97 of 1954**

41.661 Repealed. 1989, Act 78, Imd. Eff. June 20, 1989.

**WEED CONTROL IN INLAND LAKES**

**Act 41 of 1955**

41.671-41.673 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

**DUTCH ELM DISEASE**

**Act 195 of 1959**

41.681 Repealed. 1989, Act 82, Imd. Eff. June 20, 1989.

**HOSPITAL MAINTENANCE AND SUPPORT**

**Act 144 of 1949**

41.701 Repealed. 1989, Act 84, Imd. Eff. June 20, 1989.

**AMBULANCE AND INHALATOR SERVICE AND HOSPITAL SUPPORT**

**Act 50 of 1960**

An act to authorize townships and counties to operate or to contract for ambulance and inhalator service; to

authorize townships to provide support for certain hospitals; to authorize townships to operate medical clinics and provide primary health care service; and to authorize townships to levy a tax.

**History:** 1960, Act 50, Imd. Eff. Apr. 19, 1960 ;-- Am. 1967, Act 217, Imd. Eff. July 10, 1967 ;-- Am. 1968, Act 163, Imd. Eff. June 17, 1968 ;-- Am. 1989, Act 84, Imd. Eff. June 20, 1989 ;-- Am. 1993, Act 135, Imd. Eff. Aug. 2, 1993

*The People of the State of Michigan enact:*

#### **41.711 Ambulance and inhalator service.**

##### **Sec. 1.**

The township board of a township or the county board of commissioners may operate or join with another municipality or contract with individuals, firms, organizations, or corporations in operating or furnishing an ambulance and inhalator service for the use and benefit of the residents of the township or county. The service by the township or the county may be in connection with fire protection service or as a separate operation.

**History:** 1960, Act 50, Imd. Eff. Apr. 19, 1960 ;-- Am. 1967, Act 217, Imd. Eff. July 10, 1967 ;-- Am. 1968, Act 163, Imd. Eff. June 17, 1968 ;-- Am. 1989, Act 84, Imd. Eff. June 20, 1989

#### **41.711a Ambulance personnel; emergency care, civil liability.**

##### **Sec. 1a.**

Any municipal or private ambulance driver or attendant or policeman or fireman engaged in emergency first aid service, who, in good faith renders emergency care at the scene of an emergency, shall not be liable for any civil damages as a result of acts or omissions in rendering the emergency care, except acts or omissions constituting gross negligence or wilful and wanton misconduct.

**History:** Add. 1967, Act 217, Imd. Eff. July 10, 1967 ;-- Am. 1968, Act 163, Imd. Eff. June 17, 1968

#### **41.711b Ambulance personnel; training, red cross first aid courses.**

##### **Sec. 1b.**

The municipality, person, firm, organization or corporation employing any ambulance driver, attendant, policeman or fireman engaged in performing emergency first aid service, shall require that they pass a red cross first aid course before they shall be entitled to the protection of this act.

**History:** Add. 1967, Act 217, Imd. Eff. July 10, 1967 ;-- Am. 1968, Act 163, Imd. Eff. June 17, 1968

#### **41.712 Maintenance and support of hospital.**

##### **Sec. 2.**

A township board may, by majority vote, pay from unexpended balances in its contingent fund to any hospital a sum that fairly represents the reasonable share of the township in the maintenance and support of the hospital

whose facilities are made available to the residents of the township at standard rates. However, the hospital and township board shall agree upon the number of residents of the township to which the hospital shall make facilities available during each year.

**History:** Add. 1989, Act 84, Imd. Eff. June 20, 1989

**41.713 Operating medical clinic and providing primary health care services; financing; question submitted to electors; conducting election and canvassing vote; validity of certain elections and levy of tax.**

Sec. 3.

(1) A township, alone or in conjunction with 1 or more other townships, may operate a medical clinic and provide primary health care services.

(2) A township board may finance the operation of a medical clinic and the provision of primary health care service by any lawful means, including, but not limited to, the levy of a tax of not more than 2 mills on taxable property within the township. If a township board desires to levy a tax under this subsection, it shall submit the question of levying the tax to the electors of the township at a general or special election. The question submitted shall state the purpose of the tax, the number of mills to be levied, and the duration of the tax. The election shall be conducted and the vote shall be canvassed as provided in the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. If a majority of the electors voting on the question approve the levy of the tax, the township board is authorized to levy the tax.

(3) An election, held after September 30, 1991 and before December 21, 1991 in a township located on an island, in which the electors approved the levy of a tax for 5 years to finance the operation of a medical clinic and the provision of primary health care service by the township, alone or in conjunction with another township, for residents of the township or townships, is valid and the tax may be levied for that purpose.

**History:** Add. 1993, Act 135, Imd. Eff. Aug. 2, 1992

## **PUBLIC IMPROVEMENTS**

### **Act 188 of 1954**

AN ACT to provide for the making of certain improvements by townships; to provide for paying for the improvements by the issuance of bonds; to provide for the levying of taxes; to provide for assessing the whole or a part of the cost of improvements against property benefited; and to provide for the issuance of bonds in anticipation of the collection of special assessments and for the obligation of the township on the bonds.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1995, Act 139, Imd. Eff. July 10, 1995

*The People of the State of Michigan enact:*

**41.721 Public improvements by township board; bonds; special assessments to defray costs.**

Sec. 1.

The township board has the power to make an improvement named in this act, to provide for the payment of an improvement by the issuance of bonds as provided in section 15, and to determine that the whole or any part of the cost of an improvement shall be defrayed by special assessments against the property especially benefited by the improvement. The cost of engineering services and all expenses incident to the proceedings for the making and financing of the improvement shall be deemed to be a part of the cost of the improvement.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986

#### **41.721a Record owner defined.**

##### **Sec. 1a.**

As used in this act, "record owner" means a person, sole proprietorship, partnership, association, firm, corporation, or other legal entity, possessed of the most recent fee title or a land contract vendee's interest in the land as shown by the records of the county register of deeds.

**History:** Add. 1986, Act 180, Imd. Eff. July 8, 1986

#### **41.722 Types of improvements authorized; approval; conditions.**

##### **Sec. 2.**

(1) The following improvements may be made under this act:

(a) The construction, improvement, and maintenance of storm or sanitary sewers or the improvement and maintenance of, but not the construction of new or expanded, combined storm and sanitary sewer systems.

(b) The construction, improvement, and maintenance of water systems.

(c) The construction, improvement, and maintenance of public roads.

(d) The acquisition, improvement, and maintenance of public parks.

(e) The construction, improvement, and maintenance of elevated structures for foot travel over roads in the township.

(f) The collection and disposal of garbage and rubbish.

(g) The construction, maintenance, and improvement of bicycle paths.

(h) The construction, maintenance, and improvement of erosion control structures or dikes.

(i) The planting, maintenance, and removal of trees.

(j) The installation, improvement, and maintenance of lighting systems.

(k) The construction, improvement, and maintenance of sidewalks.

(l) The eradication or control of aquatic weeds and plants.

(m) The construction, improvement, and maintenance of private roads.

(n) The construction, improvement, and maintenance of a lake, pond, river, stream, lagoon, or other body of water or of an improvement to the body of water. This subdivision includes, but is not limited to, dredging.

(o) The construction, improvement, and maintenance of dams and other structures that retain the waters of this state for recreational purposes.

(p) The construction, improvement, and maintenance of sound attenuation walls, pavement, or other sound mitigation treatments unless a written objection is filed in the same manner as provided under section 3 by the record owners of land constituting more than 20% of the total area in the proposed special assessment district. If a written objection is filed, then the township board shall not proceed with the improvement until a petition signed by the record owners of land constituting more than 50% of the total land area in the special assessment district as finally established is filed with the board.

(2) A road under the jurisdiction of either the state transportation department or the board of county road commissioners shall not be improved under this act without the written approval of the state transportation department or the board of county road commissioners. As a condition to the granting of approval, the state transportation department or the board of county road commissioners may require 1 or more of the following:

(a) That all engineering with respect to the improvement be performed by the state transportation department or the board of county road commissioners.

(b) That all construction, including the awarding of contracts for construction, in connection with the improvement be pursuant to the specifications of the state transportation department or the board of county road commissioners.

(c) That the cost of the engineering and supervision be paid to the state transportation department or the board of county road commissioners from the funds of the special assessment district.

(3) A lake, pond, river, stream, lagoon, or other body of water under the jurisdiction of a county drain

commissioner shall not be improved under this act without the written approval of the county drain commissioner of the county in which the lake, pond, river, stream, lagoon, or other body of water is located.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1958, Act 163, Eff. Sept. 13, 1958 ;-- Am. 1964, Act 30, Imd. Eff. May 1, 1964 ;-- Am. 1966, Act 116, Imd. Eff. June 22, 1966 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1976, Act 148, Imd. Eff. June 16, 1976 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986 ;-- Am. 1995, Act 139, Imd. Eff. July 10, 1995 ;-- Am. 2002, Act 585, Imd. Eff. Oct. 14, 2002

**41.723 Written objections; petition; filing; signatures; determining record owners; determining sufficiency of petition; supplement to petition; validity of signatures.**

**Sec. 3.**

(1) The township board may proceed to carry out an improvement as provided in this act unless written objections to the improvement are filed with the township board at or before the hearing provided in section 4 by property owners as follows:

(a) For an improvement under section 2(1)(a), (b), (d), (e), (f), (h), (i), (j), (l), (n), or (o) by the record owners of land constituting more than 20% of the total land area in the proposed special assessment district.

(b) For an improvement under section 2(1)(c), (g), (k), or (m), by the record owners of land constituting more than 20% of the total frontage upon the road, bicycle path, or sidewalk.

(2) A township board may require the filing of a petition meeting the requirements of subsection (3) before proceeding with an improvement under this act.

(3) If written objections are filed as provided in subsection (1), or if the township board requires a petition before proceeding, the township board shall not proceed with the improvement until there is filed with the board a petition signed as follows:

(a) For an improvement under section 2(1)(a), (b), (d), (e), (f), (h), (i), (j), (l), (n), or (o) by the record owners of land constituting more than 50% of the total land area in the special assessment district as finally established by the township board.

(b) For an improvement under section 2(1)(c), (g), (k), or (m), by the record owners of land constituting more than 50% of the total frontage upon the road, bicycle path, or sidewalk.

(4) Record owners shall be determined by the records in the register of deeds' office as of the day of the filing of a petition, or if written objections are filed as provided in subsection (1), then on the day of the hearing. In determining the sufficiency of the petition, lands not subject to special assessment and lands within a public highway or alley shall not be included in computing frontage or an assessment district area. A filed petition may be supplemented as to signatures by the filing of an additional signed copy or copies of the petition. The validity of the signatures on a supplemental petition shall be determined by the records as of the day of filing the supplemental petition.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1957, Act 187, Imd. Eff. June 4, 1957 ;-- Am. 1961, Act 143, Eff. Sept. 8, 1961 ;-- Am. 1976, Act 113, Imd. Eff. May 14, 1976 ;-- Am. 1976, Act 148, Imd. Eff. June 16, 1976 ;-- Am. 1976, Act 332, Imd. Eff. Dec. 15, 1976 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986 ;-- Am. 1995, Act 139, Imd. Eff. July 10, 1995

**41.724 Plans; cost estimate; resolution; designation of special assessment district; hearing; notice; periodic redeterminations of cost; objections; adding property to special assessment district; supplemental petition; filing by railroad companies; additional notice; affidavit of service.**

**Sec. 4.**

(1) Upon receipt of a petition or upon determination of the township board if a petition is not required under section 3, the township board, if it desires to proceed on the improvement, shall cause to be prepared plans describing the improvement and the location of the improvement with an estimate of the cost of the improvement on a fixed or periodic basis, as appropriate. Upon receipt of the plans and estimate, the township board shall order the same to be filed with the township clerk. If the township board desires to proceed with the improvement, the township board shall tentatively declare by resolution its intention to make the improvement and tentatively designate the special assessment district against which the cost of the improvement or a designated part of the

improvement is to be assessed.

(2) The township board shall fix a time and place to meet and hear any objections to the petition, if a petition is required, to the improvement, and to the special assessment district, and shall cause notice of the hearing to be given as provided in section 4a. The notice shall state that the plans and estimates are on file with the township clerk for public examination and shall contain a description of the proposed special assessment district. If periodic redeterminations of cost will be necessary without a change in the special assessment district, the notice shall state that such redeterminations may be made without further notice to record owners or parties in interest in the property.

(3) At the hearing, or any adjournment of the hearing which may be without further notice, the township board shall hear any objections to the petition, if a petition is required, to the improvement, and to the special assessment district. The township board may revise, correct, amend, or change the plans, estimate of cost, or special assessment district.

(4) Property shall not be added to the district unless notice is given as provided in section 4a, or by personal service upon the record owners of the property in the entire proposed special assessment district, and a hearing afforded to the record owners. If a petition is required because property is added to the special assessment district which makes the original petition insufficient, then a supplemental petition shall be filed containing sufficient additional signatures of record owners. If the nature of the improvement to be made is such that a periodic redetermination of costs will be necessary without a change in the special assessment district boundaries, the township board shall include in its estimate of costs any projected incremental increases. If at any time during the term of the special assessment district an actual incremental cost increase exceeds the estimate therefor by 10% or more, notice shall be given as provided in section 4a and a hearing afforded to the record owners of property to be assessed.

(5) Railroad companies shall file in writing with the secretary of state the name and post office address of the person upon whom may be served notice of any proceedings under this act. After the name and address has been filed, notice in addition to the notice by publication shall be given to the person by registered mail, or personally, within 5 days after the first publication of the notice. An affidavit of the service shall be filed by the township board with the proof of publication of the notice.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986

#### **41.724a Notice of hearings in special assessment proceedings.**

##### **Sec. 4a.**

(1) If special assessments are made against property, notice of hearings in the special assessment proceedings shall be given as provided in this section.

(2) Notice of hearings in special assessment proceedings shall be given to each record owner of, or party in interest in, property to be assessed whose name appears upon the last township tax assessment records by first-class mail addressed to the record owner or party in interest at the address shown on the tax records, at least 10 days before the date of the hearing. The last township tax assessment records means the last assessment roll for ad valorem tax purposes that was reviewed by the township board of review, as supplemented by any subsequent changes in the names or the addresses of the owners or parties listed on that roll. If a record owner's name does not appear on the township tax assessment records, then notice shall be given by first-class mail addressed to the record owner at the address shown by the records of the county register of deeds at least 10 days before the date of the hearing. Notice shall also be published twice before the hearing in a newspaper circulating in the township. The first publication shall be at least 10 days before the date of the hearing. If a published notice includes a list of the property identification numbers of the property to be assessed, that list may provide either the individual property identification number for each parcel of property to be assessed or 1 or more sequential sets of property identification numbers, which include each parcel of property to be assessed. If a published notice includes a list of the property identification numbers of the property to be assessed, that published notice shall also include either a map depicting the area of the proposed special assessment district or a written description of the proposed special assessment district.

(3) If a person whose name and correct address do not appear upon the last township tax assessment records claims an interest in real property, that person shall immediately file his or her name and address with the township supervisor. This filing is effective only for the purpose of establishing a record of the names and addresses of those persons entitled to notice of hearings in special assessment proceedings. The supervisor shall immediately enter on the tax assessment records any changes in the names and addresses of record owners or parties in interest filed with



the supervisor and at all times shall keep the tax assessment records current, complete, and available for public inspection.

(4) A township officer required to give notice of a hearing in special assessment proceedings may rely upon the last township tax assessment records in giving notice of the hearing by mail. The method of giving notice by mail as provided in this section is declared to be the method that is reasonably certain to inform those to be assessed of the special assessment proceedings.

(5) Failure to give notice as required in this section shall not invalidate an entire assessment roll, but only the assessment on property affected by the lack of notice. A special assessment shall not be declared invalid as to any property if the owner or the party in interest of that property actually received notice, waived notice, or paid any part of the assessment. If an assessment is declared void by court decree or judgment, a reassessment against the property may be made.

(6) A special assessment hearing held before June 5, 1974 is validated, insofar as any notice of hearing is concerned, if notice was given by mail to the owners or parties in interest whose names appeared at the time of mailing on the last township tax assessment records. Any such special assessment hearing is validated as to any owner or party in interest who actually received notice of hearing, waived the notice, or paid any part of the special assessment.

**History:** Add. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986 ;-- Am. 2000, Act 331, Imd. Eff. Dec. 14, 2000

#### **41.725 Approval or determination by township board; levy of special assessment.**

##### **Sec. 5.**

(1) If, after the hearing provided for in section 4, the township board desires to proceed with the improvement, the township board shall approve or determine by resolution all of the following:

(a) The completion of the improvement.

(b) The plans and estimate of cost as originally presented or as revised, corrected, amended, or changed.

(c) The sufficiency of the petition for the improvement if a petition is required. After this determination, the sufficiency of the petition is not subject to attack except in an action brought in a court of competent jurisdiction within 30 days after the adoption of the resolution determining the sufficiency of the petition.

(d) The special assessment district including the term of the special assessment district's existence. If the nature of the improvement to be made is such that a periodic redetermination of cost will be necessary without a change in the special assessment district boundaries, the township board shall state that in the resolution and shall set the dates when the redeterminations shall be made. After finally determining the special assessment district, the township board shall direct the supervisor to make a special assessment roll in which are entered and described all the parcels of land to be assessed, with the names of the respective record owners of each parcel, if known, and the total amount to be assessed against each parcel of land, which amount shall be the relative portion of the whole sum to be levied against all parcels of land in the special assessment district as the benefit to the parcel of land bears to the total benefit to all parcels of land in the special assessment district. When the supervisor completes the assessment roll, the supervisor shall affix to the roll his or her certificate stating that the roll was made pursuant to a resolution of the township board adopted on a specified date, and that in making the assessment roll the supervisor, according to his or her best judgment, has conformed in all respects to the directions contained in the resolution and the statutes of this state.

(2) After December 31, 1998, an ad valorem special assessment levied under this act shall be levied on the taxable value of the property assessed.

(3) If the levy of an ad valorem special assessment on the property's taxable value is found to be invalid by a court of competent jurisdiction, the levy of the ad valorem special assessment shall be levied on the property's state equalized value.

(4) As used in this section and section 15b, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986 ;-- Am. 1998, Act 544, Imd. Eff. Jan. 20, 1999

**41.726 Filing and review of special assessment roll; hearing; notice; adjournments; objections; confirmation, referral, or annulment; endorsement; finality; action contesting assessment.**

Sec. 6.

(1) When a special assessment roll is reported by the supervisor to the township board, the assessment roll shall be filed in the office of the township clerk. Before confirming the assessment roll, the township board shall appoint a time and place when it will meet, review, and hear any objections to the assessment roll. The township board shall give notice of the hearing and the filing of the assessment roll as required by section 4a.

(2) A hearing under this section may be adjourned from time to time without further notice. A person objecting to the assessment roll shall file the objection in writing with the township clerk before the close of the hearing or within such further time as the township board may grant. After the hearing the township board, at the same or at a subsequent meeting, may confirm the special assessment roll as reported to the township board by the supervisor or as amended or corrected by the township board; may refer the assessment roll back to the supervisor for revision; or may annul it and direct a new roll to be made.

(3) If a special assessment roll is confirmed, the township clerk shall endorse on the assessment roll the date of the confirmation. After the confirmation of the special assessment roll, all assessments on that assessment roll shall be final and conclusive unless an action contesting an assessment is filed in a court of competent jurisdiction within 30 days after the date of confirmation.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986

**41.727 Payment of special assessments in installments; amount of installment; extension; due dates; interest on unpaid installments; lien; limitation; statement of amount; payment of future due installments; delinquent installment; penalty.**

Sec. 7.

(1) The township board may provide that special assessments are payable in 1 or more installments, but the amount of an installment shall not be less than 1/2 of any subsequent installment. The amount of each installment, if more than 1, shall not be extended upon the special assessment roll until after confirmation of that assessment roll. Subject to the provisions of section 4(4), the amount of installments for improvements subject to periodic cost revision may be extended upon the special assessment roll by the township board without additional public hearings or public notice, provided that additional property is not added to the special assessment roll.

(2) The first installment of a special assessment is due on or before the time after confirmation of that special assessment roll as determined by the township board. Subsequent installments are due at intervals of 12 months from the due date of the first installment or from a date determined by the township board.

(3) All unpaid installments, prior to their transfer to the township tax roll as provided by this act, shall bear interest, payable annually on each installment due date, at a rate to be set by the township board, not exceeding 1% above the average rate of interest borne by special assessment bonds issued by the township in anticipation of all or part of the unpaid installments; or not exceeding 1% above the average rate of interest borne by bonds issued by a county, drainage district, or authority if the unpaid installments are to be applied to the payment of a contract obligation of the township to the county or authority or to the payment of an assessment obligation of the township to the drainage district; or, if bonds are not issued by the township, a county, a drainage district, or an authority, not exceeding 8% per annum, commencing in each case from a date fixed by the township board.

(4) Future due installments of an assessment against any parcel of property may be paid to the township treasurer at any time in full, with interest accrued through the month in which the final installment is paid.

(5) If the township board provides that a special assessment is payable in installments under subsection (1), the amount of any lien on the parcel of property assessed for that special assessment is limited to each individual installment and shall not attach to the property assessed until that individual installment is due as provided in subsection (2).

(6) Upon written request, the township treasurer shall provide a statement of the amount of any lien under subsection (1) and (2) on the property, with interest accrued through the end of the month in which the statement is provided.

(7) If an installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of not more than 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to

the township board for reassessment upon the township tax roll.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1957, Act 187, Imd. Eff. June 4, 1957 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 1979, Act 173, Imd. Eff. Dec. 13, 1979 ;-- Am. 1981, Act 57, Imd. Eff. June 4, 1981 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986 ;-- Am. 2014, Act 429, Eff. Jan. 15, 2015

#### **41.728 Special assessments to constitute lien; limitation; character and effect.**

##### **Sec. 8.**

(1) Except as otherwise provided in subsection (2), all special assessments contained in any special assessment roll shall, from the date of confirmation of that roll, constitute a lien upon the respective parcels of property assessed.

(2) If the township board provides that a special assessment is payable in installments under section 7(1), the amount of any lien on the parcel of property assessed for that special assessment is limited to each individual installment and shall not attach to the property assessed until that individual installment is due as provided in section 7(2).

(3) A lien for a special assessment under this act shall be of the same character and effect as a lien created for township taxes and shall include accrued interest and penalties.

(4) No judgment or decree or any act of the township board vacating a special assessment shall destroy or impair a lien of the township upon the property assessed for the amount of the assessment that may be equitably charged against that property, or through a regular mode of proceeding may be lawfully assessed on that property.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 2014, Act 561, Imd. Eff. Jan 15, 2015

#### **41.729 Special assessments; collection by township treasurer, report of delinquencies.**

##### **Sec. 9.**

When any special assessment roll shall be confirmed the township board shall direct the assessments made therein to be collected. The township clerk shall thereupon deliver to the township treasurer such special assessment roll, to which he shall attach his warrant commanding the township treasurer to collect the assessments therein in accordance with the directions of the township board in respect thereto. Said warrant shall further require the township treasurer on the 1st day of September following the date when any such assessments or any part thereof have become due to submit to the township board a sworn statement setting forth the names of the persons delinquent, if known, a description of the parcels of land upon which there are delinquent assessments and the amount of such delinquency, including accrued interest and penalties computed to September 1 of such year. Upon receiving such special assessment roll and warrant the treasurer shall proceed to collect the several amounts assessed therein as the same shall become due.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954

#### **41.729a Deferred assessment; application; evidence of hardship; ordinance; deferred assessment as recorded lien.**

##### **Sec. 9a.**

(1) An owner of property who by reason of hardship is unable to contribute to the cost of an assessment for an improvement authorized in section 2(1)(a), (b), (c), (g), (h), or (n) may have the assessment deferred by application to the assessing officer. Upon receipt of evidence of hardship, the township may defer partial or total payment of

the assessment.

(2) The township board may enact an ordinance to define hardship and to permit deferred or partial payment of an assessment pursuant to this section. As a condition of granting the deferred or partial payment of an assessment, the township board shall require that any deferred assessment constitute a recorded lien against the property, subject to section 8(2).

**History:** Add. 1976, Act 148, Imd. Eff. June 16, 1976 ;-- Am. 1995, Act 139, Imd. Eff. July 10, 1995 ;-- Am. 2014, Act 561, Imd. Eff. Jan. 15, 2015

#### **41.730 Special assessments; delinquencies, reassessment.**

Sec. 10.

In case the treasurer shall, as above provided, report as delinquent any assessment or part thereof, the township board shall certify the same to the supervisor, who shall reassess on the annual township tax roll of such year in a column headed "special assessments" the sum so delinquent, with interest and penalties to September 1 of such year, and an additional penalty of 6% of the total amount. Thereafter the statutes relating to township taxes shall be applicable to such reassessments.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954

#### **41.731 Division of lands; apportionment of uncollected assessments.**

Sec. 11.

Should any parcel of land be divided after a special assessment thereon has been confirmed, and before the collection thereof, the township board may require the supervisor to apportion the uncollected amounts between the several divisions thereof and the report of such apportionment when confirmed by the township board shall be conclusive upon all parties: Provided, That if the interested parties do not agree in writing to such apportionment, then before such confirmation notice of hearing shall be given to all the interested parties, either by personal service or by publication as above provided in case of an original assessment roll.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954

#### **41.732 Special assessment roll; insufficiency, additional pro rata assessments; surplus, refunds.**

Sec. 12.

Should the assessments in any special assessment roll prove insufficient for any reason, including the noncollection thereof, to pay for the improvement for which they were made or to pay the principal and interest on the bonds issued in anticipation of the collection thereof, then the township board shall make additional pro rata assessments to supply the deficiency, but the total amount assessed against any parcel of land shall not exceed the value of the benefits received from the improvement. Should the total amount collected on assessments prove larger than necessary by more than 5% of the original roll, then the surplus shall be prorated among the properties assessed in accordance with the amount assessed against each and applied toward the payment of the next township tax levied against such properties, respectively, or if there be no such tax then it shall be refunded to the persons who are the respective record owners of the properties on the date of the passage of the resolution ordering such refund. Any such surplus of 5% or less may be paid into the township contingent funds disposed of as above provided.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954

#### **41.733 Illegal special assessment; reassessment proceedings.**

Sec. 13.

Whenever any special assessment shall, in the opinion of the township board, be invalid by reason of irregularities or informalities in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the township board shall, whether the improvement has been made or not, whether any part of the assessment has been paid or not, have power to proceed from the last step at which the proceedings were legal and cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever an assessment or any part thereof levied upon any premises has been so set aside, if the same has been paid and not refunded, the payment so made shall be applied upon the reassessment.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954

#### **41.734 Exempt corporations; agreement to pay assessment.**

Sec. 14.

The governing body of any public or private corporation whose lands are exempt by law may, by resolution, agree to pay the special assessments against such lands, and in such case the assessment, including all the installments thereof, shall be a valid claim against such corporation.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954

#### **41.734a Assessment on platted corner lots; payment of portion by governing body.**

Sec. 14a.

The governing body of any township, by resolution, may agree to pay up to 1/3 of the cost of the special assessment levied against any platted corner lot for the payment of public improvements authorized under the provisions of this act.

**History:** Add. 1959, Act 196, Eff. Mar. 19, 1960

#### **41.735 Bonds.**

Sec. 15.

The township board may borrow money and issue the bonds of the township in anticipation of the collection of special assessments to defray all or any part of the cost of any improvement made under this act after the special assessment roll is confirmed. Bonds issued under this section shall not exceed the amount of the special assessments in anticipation of the collection of which they are issued. Bonds may be issued in anticipation of the collection of special assessments levied in respect to 1 or more public improvements, but no special assessment district shall be

compelled to pay the obligation of any other special assessment district. The township board may pledge the full faith and credit of the township for the prompt payment of the principal of and interest on the bonds authorized under this section. The issuance of bonds under this section is subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1974, Act 143, Imd. Eff. June 5, 1974 ;-- Am. 2002, Act 229, Imd. Eff. Apr. 29, 2002

#### **41.735a Township improvement revolving fund; advances; interest.**

##### **Sec. 15a.**

As an alternate method of defraying the cost of an improvement made under this act, after the special assessment roll for the improvement is confirmed, the township board may pay the cost of the improvement from the township improvement revolving fund. The amount advanced shall not exceed the amount the board anticipates will be collected by the special assessments. The amount advanced by the township shall bear interest at a rate not exceeding 5% per annum.

**History:** Add. 1956, Act 109, Eff. Aug. 11, 1956 ;-- Am. 1986, Act 180, Imd. Eff. July 8, 1986

#### **41.735b Township improvement revolving fund; transfer of funds; amount.**

##### **Sec. 15b.**

The township board of any township by resolution may create and designate a fund to be known as the township improvement revolving fund. Before January 1, 1999, the township board may transfer to the township improvement revolving fund from the general fund of the township in any 1 year an amount not exceeding 2 mills of the state equalized valuation of the real and personal property in the township and in each subsequent year may transfer from the general fund to the township improvement revolving fund until that fund equals 5 mills of the state equalized valuation of the real and personal property in the township. After December 31, 1998, the township board may transfer to the township improvement revolving fund from the general fund of the township in any 1 year an amount not exceeding 2 mills of the taxable value of the real and personal property in the township and in each subsequent year may transfer from the general fund to the township improvement revolving fund until that fund equals 5 mills of the taxable value of the real and personal property in the township. All interest charges collected are a part of the township improvement revolving fund. The township board may transfer funds from the township improvement revolving fund to the general fund when, in the judgment of the board, funds should be transferred.

**History:** Add. 1956, Act 109, Eff. Aug. 11, 1956 ;-- Am. 1998, Act 544, Imd. Eff. Jan. 20, 1999

#### **41.735c Special assessments to defray certain obligations.**

##### **Sec. 15c.**

The township board may determine that the whole or any part of an obligation of the township assessed or contracted for pursuant to Act No. 342 of the Public Acts of 1939, as amended, being sections 46.171 to 46.187 of the Michigan Compiled Laws; Act No. 185 of the Public Acts of 1957, as amended, being sections 123.731 to 123.786 of the Michigan Compiled Laws; Act No. 40 of the Public Acts of 1956, as amended, being sections 280.1 to 280.623 of the Michigan Compiled Laws; and Act No. 233 of the Public Acts of 1955, as amended, being sections 124.281 to 124.294 of the Michigan Compiled Laws, shall be defrayed by special assessments against the

property specially benefited thereby and in such case, the special assessments may be levied and collected in accordance with this act except as herein provided. The requirements of section 3 with respect to requiring a petition and section 4 with respect to the hearing therein required shall not apply to any special assessments levied and collected in accordance with this section and the above described acts.

**History:** Add. 1974, Act 143, Imd. Eff. June 5, 1974

#### **41.736 Public improvements; powers granted to townships.**

Sec. 16.

The powers herein granted may be exercised by any township and shall be in addition to the powers granted by any other statute.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954 ;-- Am. 1961, Act 14, Imd. Eff. May 9, 1961

#### **41.737 Scope of act.**

Sec. 17.

The provisions of this act shall not apply to any obligations issued or assessments levied except in accordance with the provisions of this act after the effective date thereof, and shall not validate any proceedings or action taken by any township prior to the effective date of this act.

**History:** 1954, Act 188, Imd. Eff. May 5, 1954

#### **41.738 Use of interest earned from investments, money from bond proceeds, or money from interest and penalties on unpaid special assessment.**

Sec. 18.

Interest earned from the investment of money collected under a special assessment under this act or of money received as bond proceeds from a bond issued under this act, or money from interest or penalties charged and collected on an unpaid special assessment under this act shall only be used for the following:

- (a) To pay for the improvement for which the special assessment is assessed.
- (b) To pay the principal and interest of bonds that are issued for the improvement for which the special assessment is assessed.
- (c) To pay the principal and interest of an advance from the township that is used for the improvement for which the special assessment is assessed.

**History:** Add. 1986, Act 180, Imd. Eff. July 8, 1986

### **POLICE OR FIRE ADMINISTRATIVE BOARD**

#### **Act 57 of 1951**

41.751-41.753 Repealed. 1989, Act 81, Imd. Eff. June 20, 1989.



## POLICE AND FIRE PROTECTION

### Act 33 of 1951

AN ACT to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1955, Act 221, Eff. Oct. 14, 1955 ;-- Am. 1960, Act 51, Eff. Aug. 17, 1960 ;-- Am. 1966, Act 105, Imd. Eff. June 22, 1966 ;-- Am. 1982, Act 365, Eff. Mar. 30, 1983 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 1990, Act 102, Imd. Eff. June 14, 1990 ;-- Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004

*The People of the State of Michigan enact:*

**41.801 Purchase of police and fire motor vehicles, apparatus, equipment, and housing; appropriation; special assessment; bonds; election; estimate of cost and expenses; special assessment district; hearing; publication or posting of notice; distribution of special assessment levy; transfer or loan of money from general fund; repayment; exercise of powers; assessment after December 31, 2018; "taxable value" defined; finding of invalid assessment; bonds subject to revised municipal finance act.**

Sec. 1.

(1) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may purchase police and fire motor vehicles, apparatus, equipment, and housing and for that purpose may provide by resolution for the appropriation of general or contingent funds. Before January 1, 1999, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the assessed valuation of the area in their respective townships for which fire protection is to be furnished. After December 31, 1998, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the taxable value of the area in their respective townships for which fire protection is to be furnished. Before January 1, 1999, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the assessed valuation of the area in their respective townships for which police protection is to be furnished. After December 31, 1998, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the taxable value of the area in their respective townships for which police protection is to be furnished.

(2) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may provide annually by resolution for the appropriation of general or contingent funds for maintenance and operation of police and fire departments.

(3) The township board, or the township boards of adjoining townships acting jointly, may provide that the sums prescribed in subsection (2) for purchasing and housing equipment, for the operation of the equipment, or both, may be defrayed by special assessment on the lands and premises in the township or townships to be benefited, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, and may issue bonds in anticipation of the collection of these special assessments. The question of raising money by special assessment may be submitted to the electors of the township or townships by the township board, or township boards acting jointly, at a general election or special election called for that purpose by the township board or township boards. The question of raising money by special assessment must be submitted by the township board, or township boards acting jointly, if in the affected township,



or in each of the affected townships, the owners of 10% of the land to be made into a special assessment district petition the township board or boards.

(4) If a special assessment district is proposed under subsection (3), the township board, or township boards acting jointly, shall estimate the cost and expenses of the police and fire motor vehicles, apparatus, equipment, and housing and police and fire protection, and fix a day for a hearing on the estimate and on the question of creating a special assessment district and defraying the expenses of the special assessment district by special assessment on the property to be especially benefited, except, beginning in 2002, property exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155. The hearing must be a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting must be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. In addition, the township board, or township boards acting jointly, shall publish in a newspaper of general circulation in the proposed district a notice stating the time, place, and purpose of the meeting. If there is not a newspaper of general circulation in the proposed district, notices must be posted in not less than 3 of the most public places in the proposed district. This notice shall be published or posted not less than 5 days before the hearing. On the day appointed for the hearing, the township board, or township boards acting jointly, shall be in session to hear objections that may be offered against the estimate and the creation of the special assessment district. Before January 1, 1999, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, to defray the expenses of police and fire protection. After December 31, 1998, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on the taxable value of all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, to defray the expenses of police and fire protection. The township board, or township boards acting jointly, shall hold a hearing on objections to the distribution of the special assessment levy. This hearing must be held in the same manner and with the same notice as provided in this section. The township board, or township boards acting jointly, shall annually determine the amount to be assessed in the district for police and fire protection, shall direct the supervisor or supervisors to distribute the special assessment levy, and shall hold a hearing on the estimated costs and expenses of police and fire protection and on the distribution of the levy. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment must be distributed and must become due and be collected at the same time as other township taxes are assessed, levied, and collected, and must be returned in the same manner for nonpayment. If a township has a July property tax levy, not more than 2 mills of the assessment may be collected at the same time and in the same manner as the July levy. If the collections received from the special assessment levied to defray the cost or portion intended to be defrayed for police and fire protection are, at any time, insufficient to meet the obligations or expenses incurred for the maintenance and operation of the police and fire departments, the township board of the township, or township boards acting jointly, may, by resolution, authorize the transfer or loan of sufficient money from the general fund of the township or townships, to the special assessment police and fire department fund. This money must be repaid to the general fund of the township or townships out of special assessment funds when collected.

(5) The powers granted by this act with respect to police and fire protection may be exercised with respect to police protection alone, fire protection alone, or police and fire protection in combination.

(6) After December 31, 1998, an ad valorem special assessment levied under this act must be levied on the taxable value of the property assessed. After December 31, 2018, a special assessment levied under this act must be spread on the taxable value of the property assessed based on the special benefit provided to the property assessed and may not be based on police and fire protection provided in a prior year to assessed property.

(7) A special assessment imposed under this act must be levied on all properties within the special assessment district established pursuant to this act other than properties exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(8) As used in this section, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(9) If the levy of an ad valorem special assessment on the property's taxable value is found to be invalid by a court of competent jurisdiction, the levy of the ad valorem special assessment must be levied on the property's state equalized value.

(10) Bonds issued under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1955, Act 221, Eff. Oct. 14, 1955 ;-- Am. 1970, Act 134, Imd. Eff. July 29, 1970 ;-- Am. 1978, Act 101, Imd. Eff. Apr. 6, 1978 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 1998, Act 545, Imd. Eff. Jan. 20, 1999 ;-- Am. 2002, Act 308, Imd. Eff. May 13, 2002 ;-- Am. 2002, Act 501, Imd. Eff. July 15, 2002 ;-- Am. 2018, Act 484, Eff. Jan. 1, 2019

#### **41.802 Annual appropriation.**

##### **Sec. 2.**

After the creation of a special assessment district under section 1, the township board, or township boards of adjoining townships acting jointly, may appropriate annually that sum necessary for the maintenance and operation of the police and fire departments.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1974, Act 130, Imd. Eff. May 29, 1974 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989

#### **41.803 Proceedings relating to making, levying, and collection of special assessments, and to issuing bonds; payment of special assessments and special assessment bonds.**

##### **Sec. 3.**

All proceedings relating to the making, levying and collection of special assessments authorized by section 1 and the issuing of bonds, except as otherwise provided in this act, shall conform as near as practicable to proceedings provided for townships in Act No. 188 of the Public Acts of 1954, being sections 41.721 to 41.738 of the Michigan Compiled Laws, except that special assessments may be paid in a number of equal annual installments not exceeding 15, as the board may determine.

(2) The township board if authorized by a majority vote of the electors voting may, at the time of issuance, pledge the full faith and credit of the township for the payment of such special assessment bonds.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1955, Act 221, Eff. Oct. 14, 1955 ;-- Am. 1963, Act 51, Imd. Eff. Apr. 29, 1963 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989

**Compiler's Notes:** The first subsection of this section, beginning "All proceedings relating..." evidently should be designated subsection (1), as follows: "(1) All proceedings ..."

#### **41.804 Fire protection; referendum, special election, laws governing.**

##### **Sec. 4.**

Any special election called under the provisions of this act shall be held under the laws of this state governing biennial township elections so far as the same may be applicable. In case a majority of qualified electors voting at such election shall vote in favor of such proposition, then the same shall be deemed and declared carried. The vote upon such proposition at any election shall be by ballot.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951

#### **41.805 Fire protection ordinances and standard fire prevention codes; adoption, publication.**

##### **Sec. 5.**

The township board of any township, where appropriations have been made as herein provided, shall have power to enact such ordinances and establish and enforce such resolutions as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom. Any township adopting ordinances under the provisions of this section shall have the power to adopt any standard fire prevention code which has been promulgated by the state or by any department, board or agency thereof, or by any national organization or association which is organized and conducted for the purpose of developing such codes with specific date of publication by reference thereto in an adopting ordinance and without publishing such code in full. The code shall be clearly identified in the ordinance and the purpose of the code shall be published with the adopting ordinance and printed copies shall be kept in the office of the township clerk, available for inspection by and distribution to the public at all times. The publication shall contain a notice to the effect that a complete copy of the code is available for public use and inspection at the office of the township clerk.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1961, Act 148, Eff. Sept. 8, 1961

#### **41.806 Police and fire departments; contracts for service or for maintenance and operation of equipment; delegation of powers; agreements to furnish protection to city, village, or other township.**

##### **Sec. 6.**

(1) The township board of a township, or the township boards of adjoining townships acting jointly, if appropriations have been made as provided in this act, may do any of the following:

- (a) Establish and maintain police and fire departments.
- (b) Organize and maintain police and fire vehicles.
- (c) Employ and appoint a police chief and fire chief and other police and fire officers, including detectives, required for the proper and efficient operation and maintenance of the police and fire departments and proper law enforcement.
- (d) Make and establish rules and regulations for the government of the police and fire departments, employees, officers, and detectives.
- (e) Care and manage the motor vehicles, apparatus, equipment, property, and buildings pertaining to the police and fire departments.
- (f) Prescribe the powers and duties of the employees, officers, and detectives.

(2) The township board of a township, or the township boards of adjoining townships, acting jointly, may contract with the township board or legislative body of a township, city, or village that maintains a police or fire department for the service of the department or for the care, maintenance, and operation of police or fire motor vehicles, apparatus, and equipment by the police or fire department of the township, city, or village, and may contract with the legislative body of a village that does not maintain a police department or does not maintain a fire department to furnish police or fire protection to the village.

(3) If a township board, or the township boards of adjoining townships acting jointly, have organized and are maintaining a police or fire department, the board, or boards acting jointly, may also contract with townships, villages, or cities that also maintain a police or fire department or with any other person, organization, or group to provide police or fire apparatus, equipment, or personnel or police or fire protection.

(4) Any of the powers provided in this section, at the discretion of the township board, may be delegated to a police or fire or police and fire administrative board established under section 11 or 12.

(5) A township board may enter into 1 or more agreements or contracts to furnish police or fire protection to a city, village, or other township.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1956, Act 9, Imd. Eff. Mar. 9, 1956 ;-- Am. 1961, Act 66, Eff. Sept. 8, 1961 ;-- Am. 1966, Act 110, Imd. Eff. June 22, 1966 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 2004, Act 416, Imd. Eff. Nov. 29, 2004

#### **41.806a Emergency police or fire service; emergency ambulance and inhalator service; ordinance authorizing collection of fees.**

##### **Sec. 6a.**

The legislative body of a municipality providing emergency police or fire service or the legislative bodies of municipalities acting jointly to provide such a service pursuant to this act may authorize by ordinance the collection of fees for the service. The township board of a township or the county board of commissioners of a county providing emergency ambulance and inhalator service alone or jointly with another municipality and the legislative body of such a municipality may authorize by ordinance the collection of fees for the service.

**History:** Add. 1990, Act 102, Imd. Eff. June 14, 1990

#### **41.807 Repeals.**

Sec. 7.

Act No. 28 of the Public Acts of 1923, as amended, being sections 41.301 to 41.305, inclusive, of the Compiled Laws of 1948; Act No. 181 of the Public Acts of 1937, as amended, being sections 41.311 to 41.316a, inclusive, of the Compiled Laws of 1948; and Act No. 151 of the Public Acts of 1931, being sections 41.321 to 41.323, inclusive, of the Compiled Laws of 1948, are hereby repealed.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951

#### **41.808 Rights or obligations safeguarded.**

Sec. 8.

The provisions of this act shall not be construed to impair or affect any special assessment district, or any rights accruing or any obligations thereof, created under the provisions of any act repealed by this act, but the same may be asserted and all the provisions of said repealed acts shall apply as may be necessary to safeguard any such rights or obligations existing thereunder.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951

#### **41.809 Joint meetings of township boards.**

Sec. 9.

For the purposes of this act, any joint meeting of township boards may be held in any one of the involved townships.

**History:** 1951, Act 33, Imd. Eff. May 8, 1951

#### **41.810 Fire protection for townships, villages, and qualified cities; "qualified city" defined.**

Sec. 10.

(1) This act applies to townships and adjoining townships and incorporated villages and qualified cities. If reference is made in this act to townships, that reference applies to townships and incorporated villages and qualified cities. If reference is made in this act to township boards, that reference applies to township boards and

the legislative bodies of incorporated villages and qualified cities. A township, incorporated village, or qualified city shall not use this act to lessen the number of paid full-time firefighters in that township, incorporated village, or qualified city.

(2) As used in this act, "qualified city" means either of the following:

(a) A city with a population of less than 15,500.

(b) A city with a population of 15,500 or more if the question of raising money by special assessment and the amount of the special assessment to be levied annually under this act is approved by a majority of the electors in the special assessment district. The amount of the special assessment to be levied annually under this act that was approved under this subdivision must not be increased unless that increase is first approved by a majority of the electors in the special assessment district.

**History:** Add. 1960, Act 51, Eff. Aug. 17, 1960 ;-- Am. 1966, Act 105, Imd. Eff. June 22, 1966 ;-- Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004 ;-- Am. 2020, Act 64, Imd. Eff. Mar. 17, 2020 ;-- Am. 2021, Act 113, Imd. Eff. Nov. 10, 2021 ;-- Am. 2022, Act 228, Eff. Mar. 29, 2023

**41.811 Joint administrative board; creation; appointment, qualifications, and terms of members; compensation and expenses; vacancy; additional member; election of chairperson and vice-chairperson; meetings; rules of procedure; record of proceedings; quorum; removal of members; annual budget; powers and duties; board not new employer; conducting business at public meeting; availability of writings to public; "governing body" defined.**

Sec. 11.

(1) The governing bodies of 2 or more contiguous townships, villages, or qualified cities may, acting jointly, create a joint police administrative board, fire administrative board, or police and fire administrative board. A joint administrative board shall consist of 2 members from each participating township, village, or qualified city. The members of a joint administrative board shall be appointed by their respective governing bodies for terms of 6 years. Of the first members appointed, 1 member from each participating township, village, or qualified city shall be appointed for a term of 4 years. A member of a joint administrative board shall not be an employee of a police or fire department of a participating township, village, or qualified city. A member of a joint administrative board may be compensated for each meeting, not to exceed 52 per year, at a rate established by the participating governing bodies for each meeting the member attends and shall be reimbursed for actual and necessary expenses incurred in the performance of board duties. A vacancy on a joint administrative board shall be filled by the original appointing governing body for the remainder of the unexpired term.

(2) At its first meeting, a joint administrative board shall, by resolution approved by a majority of its members, select an additional member who shall be a resident of a participating township, village, or qualified city. The members shall annually elect a chairperson and a vice-chairperson from the board membership. A joint administrative board shall hold 4 regular quarterly meetings a year and special meetings as necessary at times as it determines. A joint administrative board shall adopt its own rules of procedure and shall keep a record of its proceedings. A majority of the members constitute a quorum for the transaction of business and the affirmative vote of a majority of all the members is necessary for the adoption of a motion or resolution. The members of a joint administrative board shall be residents of the townships, villages, or qualified cities from which they were appointed. The members of a joint administrative board may be removed by the appointing governing body.

(3) A joint administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, for the police department, fire department, or police and fire departments of each participating township, village, or qualified city. The proposed budgets shall be submitted to and reviewed by the respective governing bodies and may be amended, adopted, or rejected by them. A joint administrative board shall have other powers and duties as considered necessary by the participating governing bodies. A joint administrative board, if authorized to employ and appoint a police chief, fire chief, or other police or fire officers, including detectives, shall only employ and appoint such officers on behalf of an individual township, qualified city, or village and does not constitute a new employer.

(4) The business that a joint administrative board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) A writing prepared, owned, used, in the possession of, or retained by the board in the performance of an

official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(6) As used in this section, "governing body" means the body in which the legislative powers of a township, village, or qualified city are vested.

**History:** Add. 1982, Act 365, Eff. Mar. 30, 1983 ;-- Am. 1985, Act 170, Imd. Eff. Dec. 2, 1985 ;-- Am. 1988, Act 247, Imd. Eff. July 11, 1988 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 2004, Act 464, Imd. Eff. Dec. 28, 2004 ;-- Am. 2006, Act 608, Imd. Eff. Jan. 3, 2007

#### **41.812 Administrative board; appointment, qualifications, and terms of members; vacancy; expenses; continuation of prior administrative board; annual budget; powers and functions; section supplemental.**

Sec. 12.

(1) The township board may create a police administrative board, a fire administrative board, or a police and fire administrative board. The board shall consist of 5 members, who shall be appointed by the township board for terms of 6 years each. Of the members first appointed, 2 shall be appointed for terms expiring on June 30 of the even numbered year following the creation of the board, 2 shall be appointed for terms expiring on June 30 of the second year following the expiration of the terms of the first 2 members, and 1 member shall be appointed for a term expiring June 30 of the fourth year following the expiration of the terms of the first 2 members. If a vacancy occurs, the township board shall appoint a person to fill the unexpired term.

(2) A member of the board shall not be a member of the police or fire department of the township.

(3) The members of the board may be compensated a per diem as determined by the township board and are entitled to actual and necessary expenses approved by the township board incurred in the performance of official duties.

(4) A police administrative board, a fire administrative board, or a police and fire administrative board created under former 1951 PA 57 shall be continued under this act.

(5) An administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, to be submitted to the township board. The budget shall be reviewed by the township board and may be amended or altered in any manner. Upon adoption by the township board, the budget shall be the budget of the administrative board for the ensuing fiscal year of the township.

(6) The administrative board created under this section shall have the powers and perform the functions that the township board delegates to the administrative board.

(7) This section is supplemental to the other laws of this state.

**History:** Add. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 2003, Act 291, Imd. Eff. Jan. 8, 2004

#### **41.813 Traffic officers; employment; compensation; joint meeting to appoint traffic officer.**

Sec. 13.

By a majority vote of the township board at a regular or a special meeting called for that purpose, a township board may provide for the employment of 1 or more traffic officers in the township. The compensation of the officer or officers shall be paid from the general fund of the township. By a majority vote of all the township boards, 2 or more townships may appoint a traffic officer at a joint meeting of these township boards held for that purpose, and the proportion of the compensation of the traffic officer or officers to be paid by each of the townships shall be determined at this joint meeting.

**History:** Add. 1989, Act 81, Imd. Eff. June 20, 1989

### **WATER SERVICE FOR FIRE PROTECTION**

**Act 96 of 1951**

41.831-41.841 Repealed. 1974, Act 380, Eff. Apr. 1, 1975; 1989, Act 83, Imd. Eff. June 20, 1989.

**POLICE PROTECTION**

**Act 181 of 1951**

41.851-41.856 Repealed. 1989, Act 81, Imd. Eff. June 20, 1989.

**WATER SUPPLY CONTRACTS**

**Act 207 of 1953**

41.871-41.878 Repealed. 1989, Act 83, Imd. Eff. June 20, 1989.

**RETIREMENT SYSTEMS AND GROUP INSURANCE FOR OFFICERS AND EMPLOYEES**

**Act 27 of 1960**

41.901-41.905 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

**SIDEWALKS OUTSIDE CITIES AND VILLAGES**

**Act 67 of 1961**

41.921-41.925 Repealed. 1989, Act 80, Imd. Eff. June 20, 1989.

**SIDEWALKS IN TOWNSHIPS**

**Act 35 of 1966**

41.931-41.934 Repealed. 1989, Act 80, Imd. Eff. June 20, 1989.

**ADVERTISING TOWNSHIP**

**Act 28 of 1968**

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