

SENATE BILL No. 1330

September 19, 2000, Introduced by Senator BENNETT and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1945 PA 246, entitled

"An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,"

by amending sections 1, 4, and 5 (MCL 41.181, 41.184, and 41.185), as amended by 1999 PA 257.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The township board of a township, at a regular
2 or special meeting by a majority of the members elect of the
3 township board, may adopt ordinances regulating the public
4 health, safety, and general welfare of persons and property,
5 including, but not limited to ordinances concerning fire
6 protection, licensing or use of bicycles, traffic, parking of

1 vehicles, sidewalk maintenance and repairs, the licensing of
2 business establishments, the licensing and regulating of public
3 amusements, and the regulation or prohibition of public nudity,
4 and may provide sanctions for the violation of the ordinances.
5 The township shall enforce the ordinances and may employ and
6 establish a police department with full power to enforce township
7 ordinances and state laws. If state laws are to be enforced, a
8 township shall have a law enforcement unit or may by resolution
9 appropriate funds and call upon the sheriff of the county in
10 which the township is located, the department of state police, or
11 another law enforcement agency to provide special police protec-
12 tion for the township. The sheriff, department of state police,
13 or other local law enforcement agency shall, if called upon, pro-
14 vide special police protection for the township and enforce local
15 township ordinances to the extent that township funds are appro-
16 priated for the enforcement. Special township deputies appointed
17 by the sheriff shall be under the jurisdiction of and solely
18 responsible to the sheriff. Ordinances regulating traffic and
19 parking of vehicles and bicycles shall not contravene the
20 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

21 (2) Ordinances enacted may apply to streets, roads, high-
22 ways, or portions of the township determined by the township
23 board or may be limited to specified platted lands within the
24 township, and with respect to these lands shall be valid and
25 enforceable whether the roads and streets have been dedicated to
26 public use or not. Township boards of townships enacting
27 ordinances under this section may accept contributions from duly

1 constituted representatives of the platted lands benefited by the
2 ordinances to defray administrative and enforcement costs inci-
3 dent to the enactment of ordinances.

4 (3) A township may adopt a provision of any state statute
5 for which the maximum period of imprisonment is 93 days, ~~or~~ the
6 Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, OR A
7 STATUTE OR RULE OF THIS STATE, INCLUDING, BUT NOT LIMITED TO, A
8 STATUTE OR RULE ADOPTING BY REFERENCE A CODE PROMULGATED BY
9 ANOTHER PUBLIC ENTITY OR A PRIVATE ENTITY OR A STATUTE OR RULE
10 CONSTITUTING THE TEXT OF A CODE, OR MAY ADOPT A CODE PROMULGATED
11 BY ANOTHER PUBLIC ENTITY OR A PRIVATE ENTITY, by reference in an
12 adopting ordinance, which statute, RULE, OR CODE shall be clearly
13 identified in the adopting ordinance. IF AN ORDINANCE ADOPTS BY
14 REFERENCE A STATUTE OR RULE OF THIS STATE, THE ORDINANCE MAY
15 INCORPORATE FUTURE AMENDMENTS OR REVISIONS OF THE STATUTE OR RULE
16 BY EXPLICITLY PROVIDING THAT FUTURE AMENDMENTS OR REVISIONS ARE
17 INCORPORATED BY REFERENCE WHEN, OR A SPECIFIED PERIOD OF TIME
18 AFTER, THEY TAKE EFFECT IN THIS STATE. THE STATUTE, RULE, OR
19 CODE SHALL BE CLEARLY IDENTIFIED IN THE ORDINANCE. A township
20 shall not enforce any provision adopted by reference for which
21 the maximum period of imprisonment is greater than 93 days.

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

1 opaque covering of the nipple and areola. Public nudity does not
2 include any of the following:

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

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

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

9 Sec. 4. (1) A township ordinance shall contain a provision
10 stating when the ordinance takes effect.

11 (2) Except as provided in section 22 of the charter township
12 act, 1947 PA 359, MCL 42.22, and section 11 of the township
13 zoning act, 1943 PA 184, MCL 125.281, a township ordinance shall
14 take effect as follows:

15 (a) If an ordinance imposes a sanction for the violation of
16 the ordinance, the ordinance shall take effect 30 days after the
17 first publication of the ordinance.

18 (b) If an ordinance does not impose a sanction for the vio-
19 lation of the ordinance, the ordinance shall take effect the day
20 following the date of the publication of the ordinance or any
21 date following publication specified in the ordinance.

22 (3) Publication of the ordinance shall be made within 30
23 days after the passage of the ordinance by inserting either a
24 true copy or a summary of the ordinance once in a newspaper cir-
25 culating within the township. A summary of an ordinance may be
26 drafted by the same person who drafted the ordinance or by the
27 township board or township zoning board and shall be written in

1 clear and nontechnical language. Each section of an ordinance or
2 a summary of an ordinance shall be preceded by a catch line. If
3 a summary of an ordinance is published, the township shall desig-
4 nate in the publication the location in the township where a true
5 copy of the ordinance can be inspected or obtained.

6 (4) If an ordinance adopts by reference a provision of any
7 state statute for which the maximum period of imprisonment is 93
8 days, ~~or~~ the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
9 257.923, OR A STATUTE OR RULE OF THIS STATE, INCLUDING, BUT NOT
10 LIMITED TO, A STATUTE OR RULE ADOPTING BY REFERENCE A CODE
11 PROMULGATED BY ANOTHER PUBLIC ENTITY OR A PRIVATE ENTITY OR A
12 STATUTE OR RULE CONSTITUTING THE TEXT OF A CODE, OR ADOPTS BY
13 REFERENCE A CODE PROMULGATED BY ANOTHER PUBLIC ENTITY OR A PRI-
14 VATE ENTITY, a statement of the purpose of the statute, RULE, OR
15 CODE shall be published with the adopting ordinance or with the
16 summary of the adopting ordinance under subsection (3). Copies
17 of the statute, RULE, OR CODE adopted by the township by refer-
18 ence shall be kept in the office of the township clerk, available
19 for inspection by and distribution to the public. IF A STATUTE
20 OR RULE OF THIS STATE IS ADOPTED BY THE TOWNSHIP BY REFERENCE AND
21 THE STATUTE OR RULE ADOPTS BY REFERENCE A CODE PROMULGATED BY
22 ANOTHER PUBLIC ENTITY OR A PRIVATE ENTITY, COPIES OF THE CODE
23 ITSELF SHALL ALSO BE KEPT IN THE OFFICE OF THE TOWNSHIP CLERK,
24 AVAILABLE FOR INSPECTION BY AND DISTRIBUTION TO THE PUBLIC. The
25 township shall include in the publication the designation of a
26 location in the township where a copy of the statute, RULE, OR
27 CODE can be inspected or obtained. IF AN ORDINANCE ADOPTS BY

1 REFERENCE A STATUTE OR RULE OF THIS STATE AND THE STATUTE OR RULE
2 ADOPTS BY REFERENCE A CODE PROMULGATED BY ANOTHER PUBLIC ENTITY
3 OR A PRIVATE ENTITY, THE TOWNSHIP SHALL ALSO INCLUDE IN THE PUB-
4 LICATION THE DESIGNATION OF A LOCATION IN THE TOWNSHIP WHERE A
5 COPY OF THE CODE ITSELF CAN BE INSPECTED OR OBTAINED. A township
6 shall not enforce any provision adopted by reference for which
7 the maximum period of imprisonment is greater than 93 days.

8 Sec. 5. (1) Within 1 week after the publication of an ordi-
9 nance as provided in section 4, the township clerk shall record
10 the ordinance in a book of ordinances kept by him or her for that
11 purpose; record the date of the passage of the ordinance, the
12 names of the members of the township board voting, and how each
13 member voted; and file an attested copy of the ordinance with the
14 county clerk. If the ordinance adopts by reference a provision
15 of any state statute for which the maximum period of imprisonment
16 is 93 days, ~~or~~ the Michigan vehicle code, 1949 PA 300,
17 MCL 257.1 to 257.923, OR A STATUTE OR RULE OF THIS STATE, INCLUD-
18 ING, BUT NOT LIMITED TO, A STATUTE OR RULE ADOPTING BY REFERENCE
19 A CODE PROMULGATED BY ANOTHER PUBLIC ENTITY OR A PRIVATE ENTITY
20 OR A STATUTE OR RULE CONSTITUTING THE TEXT OF A CODE, OR ADOPTS
21 BY REFERENCE A CODE PROMULGATED BY ANOTHER PUBLIC ENTITY OR A
22 PRIVATE ENTITY, the township clerk shall also file a copy of the
23 statute, RULE, OR CODE with the county clerk. IF THE ORDINANCE
24 ADOPTS BY REFERENCE A STATUTE OR RULE OF THIS STATE AND THE STAT-
25 UTE OR RULE ADOPTS BY REFERENCE A CODE PROMULGATED BY ANOTHER
26 PUBLIC ENTITY OR A PRIVATE ENTITY, THE TOWNSHIP CLERK SHALL ALSO
27 FILE A COPY OF THE CODE ITSELF WITH THE COUNTY CLERK. The

1 township clerk shall certify under the ordinance in a blank space
2 provided the date or dates of publication of the ordinance, the
3 name of the newspaper in which publication was made, and the date
4 of filing with the county clerk.

5 (2) The county clerk shall maintain separate files for any
6 statute, RULE, OR CODE filed under subsection (1) for each town-
7 ship in the county. The county clerk shall make the files
8 readily available to the public.

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

13 (4) The county clerk may charge a reasonable fee for the
14 reproduction or furnishing of a copy of an ordinance, ~~or~~
15 statute, RULE, OR CODE filed under subsection (1).