

SENATE BILL No. 832

October 20, 1999, Introduced by Senator MC COTTER and referred to the Committee on Judiciary.

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), section 1 as amended by 1994 PA 315, section 4 as amended by 1994 PA 14, and section 5 as added by 1989 PA 78.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The township board of a township, ~~may,~~ at a
2 regular or special meeting by a majority of the members elect of
3 the 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

1 protection, licensing or use of bicycles, traffic, ~~and~~ parking
2 of vehicles, sidewalk maintenance and repairs, the licensing of
3 business establishments, the licensing and regulating of public
4 amusements, and the regulation or prohibition of public nudity,
5 and MAY provide ~~penalties~~ SANCTIONS for the violation of the
6 ordinances. The township shall enforce the ordinances and may
7 employ and establish a police department with full power to
8 enforce township ordinances and state laws. If state laws are to
9 be enforced, a township shall have a law enforcement unit or may
10 by resolution appropriate funds and call upon the sheriff of the
11 county in which the township is located, the department of state
12 police, or ~~other~~ ANOTHER law enforcement agency to provide spe-
13 cial police protection for the township. The sheriff, department
14 of state police, or other local law enforcement agency shall, if
15 called upon, provide special police protection for the township
16 and enforce local township ordinances to the extent that township
17 funds are appropriated for the enforcement. Special township
18 deputies appointed by the sheriff shall be under the jurisdiction
19 of and solely responsible to the sheriff. Ordinances regulating
20 traffic and parking of vehicles and bicycles shall not ~~be in~~
21 ~~contravention of~~ CONTRAVENE the Michigan vehicle code, ~~Act No.~~
22 ~~300 of the Public Acts of 1949, as amended, being sections 257.1~~
23 ~~to 257.923 of the Michigan Compiled Laws~~ 1949 PA 300, MCL 257.1
24 TO 257.923.

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

1 township, and with respect to these lands shall be valid and
2 enforceable whether the roads and streets have been dedicated to
3 public use or not. Township boards of townships enacting ordi-
4 nances under this section may accept contributions from duly con-
5 stituted representatives of the platted lands benefited by the
6 ordinances to defray administrative and enforcement costs inci-
7 dent to the enactment of ordinances.

8 (3) A TOWNSHIP MAY ADOPT A PROVISION OF ANY STATE STATUTE
9 FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS 93 DAYS OR THE
10 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923, BY REF-
11ERENCE IN AN ADOPTING ORDINANCE, WHICH STATUTE SHALL BE CLEARLY
12 IDENTIFIED IN THE ADOPTING ORDINANCE.

13 (4) ~~-(3)-~~ As used in this section, "public nudity" means
14 knowingly or intentionally displaying in a public place, or for
15 payment or promise of payment by any person including, but not
16 limited to, payment or promise of payment of an admission fee,
17 any individual's genitals or anus with less than a fully opaque
18 covering, or a female individual's breast with less than a fully
19 opaque covering of the nipple and areola. Public nudity does not
20 include any of the following:

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

23 (b) Material as defined in section 2 of ~~Act No. 343 of the~~
24 ~~Public Acts of 1984, being section 752.362 of the Michigan~~
25 ~~Compiled Laws~~ 1984 PA 343, MCL 752.362.

1 (c) Sexually explicit visual material as defined in section
2 3 of ~~Act No. 33 of the Public Acts of 1978, being section~~
3 ~~722.673 of the Michigan Compiled Laws~~ 1978 PA 33, MCL 722.673.

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

6 (2) Except as provided in section 22 of ~~Act No. 359 of the~~
7 ~~Public Acts of 1947, being section 42.22 of the Michigan Compiled~~
8 ~~Laws~~ THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.22, and sec-
9 tion 11 of the township ~~rural~~ zoning act, ~~Act No. 184 of the~~
10 ~~Public Acts of 1943, being section 125.281 of the Michigan~~
11 ~~Compiled Laws~~ 1943 PA 184, MCL 125.281, a township ordinance
12 shall take effect as follows:

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

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

20 (3) Publication of the ordinance shall be made within 30
21 days after the passage of the ordinance by inserting either a
22 true copy or a summary of the ordinance once in a newspaper cir-
23 culating within the township. A summary of an ordinance may be
24 drafted by the same person ~~that~~ WHO drafted the ordinance or by
25 the township board or township zoning board and shall be written
26 in clear and nontechnical language. Each section of an ordinance
27 or a summary of an ordinance shall be preceded by a catch line.

1 ~~—(4)—~~ If a summary of an ordinance is published, the township
2 shall designate in the publication the location in the township
3 where a true copy of the ordinance can be inspected or obtained.

4 (4) IF AN ORDINANCE ADOPTS BY REFERENCE A PROVISION OF ANY
5 STATE STATUTE FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS 93
6 DAYS OR THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO
7 257.923, A STATEMENT OF THE PURPOSE OF THE STATUTE SHALL BE PUB-
8 LISHED WITH THE ADOPTING ORDINANCE OR WITH THE SUMMARY OF THE
9 ADOPTING ORDINANCE UNDER SUBSECTION (3). COPIES OF THE STATUTE
10 ADOPTED BY THE TOWNSHIP BY REFERENCE SHALL BE KEPT IN THE OFFICE
11 OF THE TOWNSHIP CLERK, AVAILABLE FOR INSPECTION BY AND DISTRIBUTION
12 TO THE PUBLIC. THE TOWNSHIP SHALL INCLUDE IN THE PUBLICA-
13 TION THE DESIGNATION OF A LOCATION IN THE TOWNSHIP WHERE A COPY
14 OF THE STATUTE CAN BE INSPECTED OR OBTAINED.

15 Sec. 5. (1) Within 1 week after the ~~first~~ publication of
16 an ordinance as provided in section 4, the township clerk shall
17 record the ordinance in a book of ordinances kept by him or her
18 for that purpose; record the date of the passage of the ordi-
19 nance, the names of the members of the township board voting, and
20 how each member voted; and file an attested copy of the ordinance
21 with the county clerk. IF THE ORDINANCE ADOPTS BY REFERENCE A
22 PROVISION OF ANY STATE STATUTE FOR WHICH THE MAXIMUM PERIOD OF
23 IMPRISONMENT IS 93 DAYS OR THE MICHIGAN VEHICLE CODE, 1949 PA
24 300, MCL 257.1 TO 257.923, THE TOWNSHIP CLERK SHALL ALSO FILE A
25 COPY OF THE STATUTE WITH THE COUNTY CLERK. The township clerk
26 shall certify under the ordinance in a blank space provided the
27 date or dates of publication of the ordinance, the name of the

1 newspaper in which publication was made, and the date of filing
2 with the county clerk.

3 (2) The county clerk shall maintain separate files for ~~the~~
4 ~~ordinances of~~ ANY STATUTE FILED UNDER SUBSECTION (1) FOR each
5 township in the county. ~~and~~ THE COUNTY CLERK SHALL make the
6 files readily available to the public.

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

11 (4) The county clerk may charge a reasonable fee for the
12 reproduction or furnishing of a copy of an ordinance OR STATUTE
13 FILED UNDER SUBSECTION (1).