

TOWNSHIP ORDINANCES (EXCERPT)
Act 246 of 1945

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."