THE CHARTER TOWNSHIP ACT
Act 359 of 1947

AN ACT to authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies.

History: 1947, Act 359, Eff. Oct. 11, 1947;—Am. 1998, Act 144, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

42.1 Short title; charter townships; incorporation; powers, privileges, immunities and liabilities; petition; special census; expenses.

Sec. 1. (1) This act shall be known and may be cited as "the charter township act".

(2) A township, having a population of 2,000 or more inhabitants according to the most recent regular or special federal or state census of the inhabitants of the township may incorporate as a charter township. The charter township shall be a municipal corporation, to be known and designated as the charter township of ....., and shall be subject to this act, which is the charter of the charter township. The charter township, its inhabitants, and its officers shall have, except as otherwise provided in this act, all the powers, privileges, immunities, and liabilities possessed by a township, its inhabitants, and its officers by law and under chapter 16 of the Revised Statutes of 1846, being sections 41.1a to 41.110c of the Michigan Compiled Laws.

(3) A special census of the inhabitants of a township desiring to incorporate under this act shall be taken by the secretary of state upon receipt of a petition signed by not less than 100 registered electors of the township. Within 5 days after receipt of the petition, the secretary of state shall appoint an enumerator or enumerators. An enumerator shall qualify for the office of enumerator, enumerate the inhabitants of the township, and make a return in the manner provided in section 6 of Act No. 279 of the Public Acts of 1909, as amended, being section 117.6 of the Michigan Compiled Laws. The census, when accepted by the secretary of state, shall fix the population of any township so enumerated for the purposes of this act. All expenses incident to the census shall be paid for by the township.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.1;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1967, Act 238, Eff. Nov. 2, 1967;—Am. 1994, Act 82, Eff. Oct. 1, 1994.

42.1a 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 193, Imd. Eff. June 27, 1988.

42.1b Minimum staffing requirement; adoption of ordinance prohibited.

Sec. 1b. Beginning on the effective date of the amendatory act that added this section, a charter township shall not adopt an ordinance that includes any minimum staffing requirement for charter township employees. Except as otherwise provided in this section, any provision in an ordinance adopted on or after the effective date of the amendatory act that added this section that contains a minimum staffing requirement for charter township employees is void and unenforceable.

History: Add. 2011, Act 137, Imd. Eff. Sept. 13, 2011.

42.2 Incorporation; referendum; ballot, form and content; filing of petition or resolution by township clerk; finality of proceedings; term of incumbent officers; disincorporation.

Sec. 2. Any eligible township shall become a charter township when the inhabitants thereof shall, by a majority vote of the electors thereof, voting on such proposition, declare in favor thereof at any general or special election at which the proposition to incorporate as a charter township shall be submitted to the electors of the township. At such election the township clerk shall prepare a ballot for the submission of such proposition in accordance with the general election laws of the state and setting forth such proposition as follows:

"Shall the township of ..... incorporate as a charter township which shall be a municipal corporation subject to the provisions of Act No. 359 of the Public Acts of 1947, as amended, which act shall constitute the charter of such municipal corporation?

© Courtesy of www.legislature.mi.gov

Yes ( )
No ( )”

If on the vote being canvassed on the question of incorporation as a charter township, the result is determined to be in favor of such incorporation, the township clerk shall file with the secretary of state and with the county clerk of the county within which the township is located a copy of the petition or resolution initiating the move to become a charter township, together with the notice of the election at which such question was submitted to the electors of the township, the ballot upon which such question was submitted, and a certificate of the board of canvassers showing that the purposes of such petition or resolution have been approved by a majority of the electors of the township voting thereon, which certificate shall also give the number of votes cast on such proposition and the number cast for and against the same. From the date of such filing, the township shall be duly and legally incorporated as a charter township. After the filing of such petition or resolution and the other papers hereinabove required, neither the sufficiency thereof nor the legality of the incorporation of the township as a charter township may be questioned in any proceeding except by proceedings in the nature of quo warranto which shall be brought within 40 days after the date of such filing. All officers of any township which shall elect to become a charter township shall serve in the offices to which they have been elected or appointed for the balance of the terms for which they were elected or appointed and until their successors elect or to be elected shall qualify for and assume their respective offices. Any charter township may be disincorporated and returned to its previous status as a township governed under the provisions of chapter 16 of the Revised Statutes of 1846, as amended, being sections 41.1 to 41.103 of the Compiled Laws of 1948, by following the same procedures therefor as provided herein for adopting the provisions of this act. No election to disincorporate shall be held until 4 years after incorporation nor oftener than once each 4 years.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.2;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1964, Act 163, Eff. Aug. 28, 1964.

42.2a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 2a. A petition under section 3, 3a, 4, 6a, or 34(5), 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 144, Eff. Mar. 23, 1999.

42.3 Incorporation; submission of proposition to electors, time; petitions, verification of signatures.

Sec. 3. The proposition to incorporate as a charter township shall be submitted at the next general or at a special election in the event that, on or before August 30, or, in the event of a special election, not less than 60 days, preceding such election, the township board shall vote to submit such proposition to the electors of the township, or in the event that there shall be filed with the township clerk on or before such date petitions requesting the submission of such proposition which have been signed by a number of electors of the township which shall not be less than 10% of the total vote cast for supervisor in the township at the last election in which a supervisor was elected. The township clerk shall check the signatures on such petitions with those of the electors signing such petitions as they appear on the registration cards of the township and, if such petitions bear the required number of signatures of electors of the township, shall do and perform all acts required for the submission of the proposition to become a charter township at the next general or special election.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.3;—Am. 1964, Act 163, Eff. Aug. 28, 1964.

42.3a Notice to clerk of township not incorporated as charter township; resolution of township board; notice of right to referendum; petition; signatures; submitting question of incorporation at general or special election; wording of ballot.

Sec. 3a. (1) Within 30 days after the effective date of this 1984 amendatory act and after each regular or special federal or state census, the secretary of state shall notify the clerk of a township which is not incorporated as a charter township pursuant to this act and which has a population of 2,000 or more inhabitants, excluding the population of any incorporated village, according to the most recently made regular or special federal or state census that the township may be incorporated as the charter township of ..... under this act.

(2) After notification is received by the clerk, the township board may:

© Courtesy of www.legislature.mi.gov

(a) Adopt, by a majority vote, a resolution opposed to incorporation.

(b) Adopt, by a majority vote, a resolution of intent to approve incorporation and if a petition of disagreement to the intent resolution relative to the incorporation is filed within 60 days before final passage of the resolution, the electors of the township have the right to a referendum on the incorporation question.

(c) Adopt, by a majority vote, a resolution to place before the electorate the question of incorporation at the next regular or special election.

(3) The clerk shall publish in a newspaper of general circulation in the township a notice of the right to referendum within 15 days after receipt of notification from the secretary of state. A second notice shall be published 7 days after the first notice.

(4) The petition under subsection (2)(b) shall be signed by not less than 10% of the number of electors of the township voting for township supervisor at the last election in which a supervisor was elected. The township clerk shall check the signatures on the petitions with those of the electors signing the petitions as they appear on the registration cards of the township. If petitions bearing the required number of signatures of electors have been filed, the clerk shall do and perform all acts required for the submission of the question of incorporation at the next general or special election. The wording of the ballot shall be in accordance with section 2.

History: Add. 1976, Act 90, Eff. Mar. 31, 1977;—Am. 1984, Act 361, Eff. Mar. 29, 1985.

42.4 Nomination of candidates for township office; conducting primary election; duties of township clerk; duties and composition of board of township election commissioners.

Sec. 4. Candidates for township office in charter townships shall be nominated at the general primary election held in the township before each general election at which township officers are to be elected. The primary election shall be conducted, as near as may be, pursuant to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. Duties of the county clerk in the conduct of primary elections shall be performed by the township clerk with respect to the nomination of township officers, and the duties of the county board of election commissioners shall be performed for each township by a board of township election commissioners to be composed of the township clerk and the 2 trustees appointed by the township board.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.4;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1954, Act 169, Eff. Aug. 13, 1954;—Am. 1964, Act 163, Eff. Aug. 28, 1964;—Am. 1975, Act 328, Imd. Eff. Jan. 12, 1976;—Am. 1990, Act 12, Imd. Eff. Feb. 26, 1990;—Am. 1998, Act 101, Imd. Eff. May 28, 1998.

42.5 Township board; election of members; powers and duties; supervisor as presiding and executive officer; authentication of instruments; president pro tem; clerk; record of proceedings; temporary clerk.

Sec. 5. (1) Except as otherwise provided in this act, all legislative authority and powers of each charter township shall be vested in and shall be exercised and determined by a township board of 7 members composed of the supervisor, the township clerk, the township treasurer, and 4 trustees who shall be electors in the township. If the provisions of this act are adopted, the township board as constituted at the time of the adoption of this act shall constitute the township board until the first general election at which township officers are elected after the adoption of this act. All members of the township board shall be elected under the provisions of 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 2 additional trustees are required to be elected, they shall be elected at the next general election. If the next general election is not a regular township election, each additional trustee shall hold office until a successor is elected at the next regular township election and qualifies for office.

(2) The elected township board described in subsection (1) shall be the successor to the prior township board of the township and shall possess the powers and perform the duties of township boards in townships in addition to the powers granted by law to charter townships. As a member of the township board, the supervisor shall be the presiding and executive officer of the board and shall have an equal voice and vote in the proceedings of the board. The supervisor shall authenticate by his or her signature any instruments which the board and the laws of the state or the federal government may require. If the supervisor is absent from a meeting of the township board, the board shall appoint 1 of its members president pro tem for that meeting. The township clerk shall be clerk of the township board and shall keep a full record of all the proceedings of the township board. In the absence of the clerk, the board shall appoint 1 of its members as temporary clerk for that meeting.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.5;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1953, Act 188, Eff. Oct. 2, 1953;—Am. 1954, Act 169, Eff. Aug. 13, 1954;—Am. 1964, Act 163, Eff. Aug. 28, 1964;—Am. 1986, Act 34, Imd. Eff. Mar. 17, 1986.

© Courtesy of www.legislature.mi.gov

42.6 Charter township board; compensation and expenses of members.

Sec. 6. A trustee may receive, in addition to other emoluments provided by law for his service to the township, a sum per meeting of the board actually attended by him, as established by the township board to be paid upon authorization of the township board. The supervisor, the township clerk, and the township treasurer shall receive no additional compensation for attending meetings of the board. Reasonable expenses may be allowed to members of the township board when actually incurred on behalf of the township.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.6;—Am. 1953, Act 188, Eff. Oct. 2, 1953;—Am. 1962, Act 20, Eff. Mar. 28, 1963;—Am. 1974, Act 98, Imd. Eff. May 10, 1974.

42.6a Ordinance establishing procedure for determining salary of elected official; contents; conducting business at public meeting; public notice; resolution implementing ordinance; petition for referendum; change of procedure; decreasing salary of elected township official.

Sec. 6a. (1) In place of the procedure in section 6 for determining the salary of each elected official, the township board may establish by ordinance the procedure described in this section. The ordinance shall provide the following:

(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. All first members shall be appointed not more than 30 days after the effective date of the ordinance. Members other than the first members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of an unexpired term. An officer or employee of a government agency or unit or a member of the immediate family of that officer or employee shall not be appointed to the commission.

(b) The commission shall determine the salary of each township elected official which determination 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. A determination of the commission shall be effective 30 days following its filing with the township clerk unless rejected by the township board. If a determination is rejected, the existing salary shall prevail. An expense allowance or reimbursement paid to an elected official 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 a determination within 45 calendar days of the first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. 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 the commission's members. As used in this section, “session days” means a calendar day 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.

(2) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of 1976, as amended, 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, as amended.

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

(4) 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 at least 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 charter amendment. If a petition for a referendum is filed, a determination of the commission shall not be effective until the ordinance has been approved by the electors.

(5) After 1 year following the effective date of the ordinance, the procedure for establishing the compensation of township elected officials may be changed by ordinance.

(6) The salary of an elected township official shall not be decreased during the official's term of office as long as the responsibilities and requirements of that office are not diminished during the term of the official's term of office, and the salary of an elected township official shall not be decreased during the official's term of office unless the official consents in writing to the reduction in salary. Notwithstanding the above, if a township in setting a township supervisor's salary has designated a portion of the supervisor's salary to be paid

© Courtesy of www.legislature.mi.gov

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; provided that in no event may that portion of a supervisor's salary designated for nonassessment functions be decreased during the supervisor's term of office without the supervisor's written consent.

History: Add. 1974, Act 175, Imd. Eff. June 23, 1974;—Am. 1977, Act 157, Imd. Eff. Nov. 8, 1977;—Am. 1982, Act 382, Eff. Mar. 30, 1983.

42.7 Township board; meetings; conducting business at public meeting; notice of meeting; transacting business at special meeting; quorum; adjournment; rules and order of business; journal; voting; availability of certain writings to public; attendance and conduct at meetings; misconduct in office; sergeant-at-arms.

Sec. 7. (1) The township board shall provide by resolution for the time, date, and place of the board's regular meetings, and shall hold at least 1 regular meeting each month. If a time set for the holding of a regular meeting of the township board is a holiday, then the regular meeting shall be held at the same time and place on the next day that is not a Saturday, Sunday, or holiday.

(2) A special meeting of the township board shall be called by the township clerk pursuant to subsection (3) on the written request of the supervisor or of 2 members of the township board and on at least 24 hours' written notice to each member of the township board. The notice shall designate the time, place, and purpose of the meeting and shall be served personally or left at the member's usual place of residence by the township clerk or someone designated by the township clerk.

(3) The business that the board may perform shall be conducted at a public meeting of the board 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.

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

(5) Four members of the township board are a quorum for the transaction of business at a meeting, but, in the absence of a quorum, 2 members may adjourn a regular or special meeting to a later date.

(6) The township board shall determine its own rules and order of business and shall keep a journal of its proceedings in the English language. The journal shall be signed by the supervisor and the township clerk. The vote upon the passage of an ordinance, and upon the adoption of a resolution and ordinance shall be taken by yes and no votes and shall be entered upon the record, except that if the vote is unanimous, it shall only be necessary to record that fact. Except as otherwise provided in this subsection, a member of the township board who is recorded as present shall vote on all questions decided by the board unless excused by the unanimous consent of the other members present. If, at a meeting of the township board, a member of the township board states that he or she desires to be appointed by the township board to fill a vacancy in a township office, that member may abstain from voting on the appointment to fill the vacancy.

(7) 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, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(8) The township board, by vote of not less than 2 members, may compel the attendance of board members and other officers of the township at a regular or special meeting and enforce orderly conduct in the meeting. A member of the board or any other officer of the township who refuses to attend a meeting or conduct himself or herself in an orderly manner is guilty of misconduct in office. The township marshal shall serve as the sergeant-at-arms of the township board in the enforcement of this section.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.7;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1977, Act 157, Imd. Eff. Nov. 8, 1977;—Am. 1992, Act 15, Imd. Eff. Mar. 16, 1992.

42.8 Charter township board; monthly publication of proceedings; notices and ordinances; posting.

Sec. 8. (1) The proceedings of the township board shall be published at least once each month. A 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 in compliance with this section.

(2) The board shall determine the method of publication of all notices, ordinances, and proceedings for which the method of publication is not prescribed by law.

© Courtesy of www.legislature.mi.gov

(3) In making a determination under subsection (2), the board shall require 1 or both of the following:

(a) That publication be made in a newspaper published and circulated in the township or, if no such newspaper exists, then in one published in the county in which the township is located.

(b) That publication be made by posting in the office of the clerk and in 5 other public places in the township or by posting in the office of the clerk and on the township's website.

(4) If publication is made by posting under subsection (3)(b), a notice of the posting describing the purpose or nature of the notice, ordinance, or proceeding posted and the location of the places where posted shall be published at least once in a newspaper as required under subsection (3)(a) within 7 days of the posting.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.8;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 2004, Act 406, Imd. Eff. Nov. 29, 2004.

42.9 Township officers; powers and duties; additional officers, limitations.

Sec. 9. The township supervisor, township clerk, township treasurer, justices of the peace, and constables in each charter township shall have and perform the duties and functions required of such officers by state law. The township board may, by resolution, upon the recommendation of the supervisor, or of the township superintendent if one shall be appointed, create such additional officers as may be necessary to administer the affairs of the township government, or may combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof. No creation of any additional administrative office or combination thereof shall abolish the offices of township clerk or township treasurer nor diminish any of the duties or responsibilities of those offices which are prescribed by state law.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.9.

42.10 Township superintendent; appointment; delegation of powers and duties of township supervisor.

Sec. 10. The township board in each charter township shall have power to appoint a township superintendent and may delegate to him any or all of the following functions and duties which functions and duties, unless so delegated, shall be exercised by the supervisor:

(a) To see that all laws and township ordinances are enforced;

(b) To manage and supervise all public improvements, works, and undertakings of the township;

(c) To have charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all the public buildings or other property belonging to the township;

(d) To manage and supervise the operation of all township utilities;

(e) To be responsible for the preservation of property, tools, and appliances of the township;

(f) To see that all terms and conditions imposed in favor of the township or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

(g) To attend all meetings of the township board, with the right to take part in discussions, but without the right to vote;

(h) To be a member, ex officio, of all committees of the township board;

(i) To prepare and administer the annual budget under policies formulated by the township board and keep the said board fully advised at all times as to the financial condition and needs of the township;

(j) To recommend to the township board for adoption such measures as he may deem necessary or expedient;

(k) To be responsible to the township board for the efficient administration of all departments of the township government;

(*l*) To act as the purchasing agent for the township or, under his responsibility, delegate such duties to some other officer or employee;

(m) To conduct all sales of personal property which the township board may authorize to be sold;

(n) To assume all the duties and responsibilities as personnel director of all township employees or delegate such duties to some other officer or employee;

(o) To perform such other duties as may be prescribed by this act or required of him by ordinance or by direction of the township board, or which are not assigned to some other official in conformity with the provisions of this act.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.10;—Am. 1949, Act 70, Eff. Sept. 23, 1949.

42.10a Township manager; employment; service; duties.

Sec. 10a. If a township has not appointed a township superintendent under section 10, the township board may employ a township manager who shall serve at the pleasure of the township board and perform such duties lawfully delegated to the manager by the township board. The duties may include those that are

© Courtesy of www.legislature.mi.gov

delegated by law to another township official if written consent has been granted by that official.

History: Add. 2003, Act 205, Imd. Eff. Nov. 26, 2003.

42.11 Township superintendent; tenure; qualifications; residency requirements; waiver.

Sec. 11. (1) The township superintendent shall hold office at the pleasure of the township board and shall be selected by the township board on the basis of training and ability alone, without regard to his or her political or religious preference.

(2) An individual who is not a resident of the township at the time of his or her appointment as township superintendent shall become a resident of the township within 90 days after his or her appointment and shall so remain throughout his or her tenure of office. An individual who is a resident of the township at the time of his or her appointment as township superintendent shall remain a resident of the township throughout his or her tenure of office. The requirements of this subsection may be waived by a resolution adopted by a vote of 2/3 of the members of the township board elected or appointed.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.11;—Am. 1990, Act 342, Imd. Eff. Dec. 21, 1990.

42.11a Township assessors; appointment, powers and duties, compensation.

Sec. 11a. In any charter township, in addition to the supervisor, the charter township board may provide for the appointment of assessors, not exceeding 2, for such charter township. Such assessors, when appointed, shall be clothed with all the powers and duties of supervisors in the assessment of property for taxation within such township and shall receive for their services such compensation as may be allowed by the charter township board. Whenever assessors shall be appointed, as in this act provided, the supervisor shall be the chief assessing officer and such assessors shall in all cases be subordinate to such supervisor. Upon completion of the assessment and the making of the rolls, such rolls shall be deposited with the supervisor.

History: Add. 1962, Act 145, Eff. Mar. 28, 1963.

42.12 Township police force; establishment; township marshal, appointment; rules; policemen, powers and duties.

Sec. 12. The township board in each charter township may provide for and establish a police force and authorize the supervisor, or the township superintendent if one has been appointed, to appoint, subject to the approval of the said board, a township marshal and such other policemen and watchmen as may be required to protect property and preserve the public welfare and safety in that portion of the township not included within the corporate limits of any village or villages located wholly or in part within the township. No police officer of any such village shall be ineligible for appointment as a member of the township police force, except that no village police officer shall serve as township marshal. The township board shall make all necessary rules for the government of the township police force and its members and shall prescribe the powers and duties of policemen and watchmen, and may invest them with such authority as may be necessary for the preservation of quiet and order and the protection of persons and property within that part of the township not located within the corporate limits of any village.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.12.

42.13 Township fire department; establishment; township fire chief, appointment; rules and regulations; refusal to aid at fire, penalty.

Sec. 13. The township board in each charter township shall have power to provide for and establish and maintain a fire department and authorize the supervisor, or the township superintendent if one has been appointed, to appoint, subject to the approval of the said board, a township fire chief and such other firemen as may be required to protect persons and property from the hazards of fire in that part of the township located outside the corporate limits of villages. The township board shall make and establish rules and regulations for the government of the department, the employes, firemen, and officers thereof; and for the care and management of the buildings, engines, apparatus, and equipment pertaining thereto. The township fire chief, or any officer acting as such, may command and require any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall wilfully disobey any such requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.13.

42.13a Free public library; establishment or reestablishment and maintenance; conditions; ordinance; resolution; board of directors; appointment of library advisory committee; rules and regulations; state aid.

Sec. 13a. (1) The township board of a charter township may do either of the following:

© Courtesy of www.legislature.mi.gov

(a) Establish and maintain a free public library if the charter township is in a county with a population of more than 750,000 but less than 2,000,000 and has not been located within the service area of an established free public library for the previous 3 years.

(b) Reestablish and maintain under this act a free public library established as a township library under a repealed act that served the charter township.

(2) The board shall establish or reestablish a free public library under subsection (1) by adopting an ordinance or passing a resolution as provided by law. The board shall file a copy of the ordinance or resolution with the department of education within 10 days after adoption or passage.

(3) The township board shall serve as board of directors for the library with final authority over all library matters. The township board shall appoint a library advisory committee consisting of 7 members holding staggered 3-year terms to advise the township board with regard to development, operation, and maintenance of the library. The township board may fill vacancies on the library advisory committee and may remove a member with or without cause.

(4) The township board shall establish the rules and regulations for the operation of the library, appoint a library director and authorize the hiring of qualified assistants, establish a separate and dedicated library fund, and pass any necessary ordinances governing the operations of the library.

(5) A free public library established or reestablished and operated under this section is a public library for the purposes of the state aid to public libraries act, 1977 PA 89, MCL 397.551 to 397.576.

History: Add. 2006, Act 596, Imd. Eff. Jan. 3, 2007;—Am. 2012, Act 191, Imd. Eff. June 20, 2012;—Am. 2019, Act 24, Imd. Eff. June 18, 2019.

42.14 Charter township; power to acquire property; approval of electors.

Sec. 14. Each charter township shall have power to acquire property for public purposes by purchase, gift, condemnation, lease, construction, or otherwise, and to maintain and operate public buildings, parks, and facilities needed in the performance of the powers and functions, expressed and implied, granted, possessed, and required of them by this act, or any other statute of the state of Michigan relating to townships and may sell and convey or lease any such property or part thereof which is not needed for public purposes: Provided, That no taxes shall be levied to acquire any such property, public building, park, or facility, unless such levy shall be approved by a majority of the electors of the township voting thereon at any regular or special township election.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.14;—Am. 1949, Act 70, Eff. Sept. 23, 1949.

42.14a Bonds for public improvements; issuance; approval required; exceptions; limitation on net indebtedness; computation of net indebtedness; bonds subject to MCL 141.2101 to 141.2821; computation of net indebtedness.

Sec. 14a. (1) The township may borrow money and issue bonds on the credit of the township for the purpose of constructing or otherwise acquiring a public improvement that the township is authorized to construct or otherwise acquire by law.

(2) Bonds must not be issued, except special assessment bonds, bonds for the township portion of local improvements, and bonds that the township board is authorized by specific statute to issue without vote of the electors, unless approved by a majority of the electors voting on the bonds at a general or special election.

(3) The net indebtedness of the township incurred for all public purposes must not exceed 10% of the assessed value of all real and personal property in the township. In computing the net indebtedness, all of the following must be deducted:

(a) Bonds issued in anticipation of the collection of special assessments, even though they are general obligations of the township.

(b) Revenue bonds, even though they are general obligations of the township.

(c) Bonds issued to comply with an order of the former water resources commission, the department of environmental quality, or a court of competent jurisdiction, even though they are a general obligation of the township.

(d) Bonds issued, or contract or assessment obligations incurred, for water supply, sewerage, drainage, solid waste disposal, and steam generation and distribution necessary to protect the public health by abating pollution, even though they are a general obligation of the township.

(e) Bonds issued or contract or assessment obligations incurred for the construction, improvement, or replacement of a combined sewer overflow abatement facility. As used in this subdivision:

(*i*) "Combined sewer overflow" means a discharge from a combined sewer system that occurs when the flow capacity of the combined sewer system is exceeded.

(*ii*) "Combined sewer overflow abatement facility" means any works, instrumentalities, or equipment

© Courtesy of www.legislature.mi.gov

necessary or appropriate to abate combined sewer overflows.

(*iii*) "Combined sewer system" means a sewer designed and used to convey both storm water runoff and sanitary sewage, and that contains lawfully installed regulators and control devices that allow for delivery of sanitary flow to treatment during dry weather periods and divert storm water and sanitary sewage to surface waters during storm flow periods.

(*iv*) "Construction" means any action taken in the designing or building of a combined sewer overflow abatement facility. Construction includes, but is not limited to, all of the following:

(A) Engineering services.

(B) Legal services.

(C) Financial services.

(D) Design of plans and specifications.

(E) Acquisition of land or structural components, or both.

(F) Building, erection, alteration, remodeling, or extension of a combined sewer overflow abatement facility.

(G) Township supervision of the project activities described in sub-subparagraphs (A) to (F).

(*v*) "Improvement" means any action taken to expand, rehabilitate, or restore a combined sewer overflow abatement facility.

(*vi*) "Replacement" means any action taken to obtain and install equipment, accessories, or appurtenances during the useful life of a combined sewer overflow abatement facility necessary to maintain the capacity and performance for which the equipment, accessories, or appurtenances are designed and constructed.

(4) The resources of the sinking fund or debt retirement fund pledged for retirement of outstanding bonds must also be deducted from the amount of the indebtedness.

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

(6) In computing the net indebtedness for the purposes of subsection (3), there may be added to the assessed value of real and personal property in a township for a fiscal year an amount equal to the assessed value equivalent of certain township revenues as determined under this subsection. The assessed value equivalent must be calculated by dividing the sum of the following amounts by the township's millage rate for the fiscal year:

(a) The amount paid or the estimated amount required to be paid by the state to the township during the township's fiscal year for the township's use under the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.901 to 141.921, and the amount of any eligible reimbursement to the township under the local community stabilization authority act, 2014 PA 86, MCL 123.1341 to 123.1362, except any amount distributed under section 17(4)(c) of the local community stabilization authority act, 2014 PA 86, MCL 123.1357, in excess of the township's qualified loss. The department of treasury shall certify these amounts upon request. As used in this subdivision, "qualified loss" means that term as defined in section 5 of the local community stabilization authority act, 2014 PA 86, MCL 123.1345.

(b) The amount levied by the township for its own use during the township's fiscal year from the specific tax levied under 1974 PA 198, MCL 207.551 to 207.572.

(c) The amount levied by the township for its own use during the township's fiscal year from the specific tax levied under the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668.

History: Add. 1953, Act 188, Eff. Oct. 2, 1953;—Am. 1973, Act 82, Imd. Eff. July 31, 1973;—Am. 1979, Act 141, Imd. Eff. Nov. 7, 1979;—Am. 1995, Act 212, Imd. Eff. Nov. 29, 1995;—Am. 2002, Act 230, Imd. Eff. Apr. 29, 2002;—Am. 2018, Act 86, Eff. June 24, 2018.

42.15 Ordinances to provide for peace, health, and safety; licenses, granting, fees, bonds.

Sec. 15. (1) The township board of any charter township may enact ordinances considered necessary to provide for the public peace and health and for the safety of persons and property in the charter township, and may, except as otherwise provided in subsection (2), by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked. The charter township board may in those ordinances require and exact payment of reasonable amounts for any licenses considered proper. A person receiving a license shall, before the license is issued, execute a bond to the charter township if required by any ordinance in an amount and with those securities as prescribed by the ordinance, conditioned for the faithful observance of this act and the ordinance under which the license is granted.

(2) This section is subject to the local government occupational licensing act.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.15;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 2018, Act 497, Imd. Eff. Dec. 27, 2018.

Compiler's note: Enacting section 1 of Act 497 of 2018 provides:
"Enacting section 1. This amendatory act is retroactive and takes effect January 1, 2018."

© Courtesy of www.legislature.mi.gov

42.16 Streets, alleys, bridges and public places; regulation of use; record of ordinances, filing.

Sec. 16. Except insofar as limited by state law and the provisions of this act, the township board shall have power to establish and vacate and use, and to control and regulate the use of the streets, alleys, bridges, and public places of the township and the space above and beneath them, such regulation of its streets, alleys, bridges, and public places shall be deemed a matter of local concern. Nothing in this act shall be construed to repeal or nullify the provisions of Act No. 221 of the Public Acts of 1937. Any ordinance concerning the operation of motor vehicles on any road, street or highway shall not become effective until 30 days after approval by the commissioner of the Michigan state police. A record of all ordinances so approved by the commissioner shall be kept on file in his office. Such power shall include, but not be limited to, the proper policing and supervision thereof; to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the township; and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures, and excavations under the same.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.16;—Am. 1949, Act 70, Eff. Sept. 23, 1949.

Compiler's note: For provisions of Act 221 of 1937, referred to in this section, see MCL 750.497 and 750.498.

42.17 Construction of buildings; powers and liabilities of charter townships as to public health and safety.

Sec. 17. Charter townships shall have and possess and may exercise the same powers and shall be subject to the same liabilities as are possessed by cities to regulate the construction of buildings for the preservation of public health and safety, to regulate the conduct of business, and to provide for the public peace and health and for the safety of persons and property.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.17.

42.18 Joint action with other governmental unit or agency.

Sec. 18. Each charter township may join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law, to perform jointly, or by one or more, for or on behalf of the other or others, any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.18.

42.19 Ordinances, resolutions, rules and regulations of former township; continuation.

Sec. 19. All ordinances, resolutions, rules, and regulations of a charter township which were in effect at the time such township became a charter township and which are not inconsistent with the laws of the state applicable to charter townships shall continue in full force as the ordinances, resolutions, rules, and regulations of the charter township until repealed or amended by action of the proper authorities.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.19;—Am. 1949, Act 70, Eff. Sept. 23, 1949.

42.20 Legislation to be ordinance or resolution; form, passage, amendment, recording, authentication, and compilation of ordinances.

Sec. 20. (1) Legislation of a charter township shall be by ordinance or by resolution. A resolution shall be limited to matters required or permitted to be done by resolution by this act or by state or federal law and to matters pertaining to the internal affairs or concerns of the township government. Any other act of the township board, and any act imposing a sanction for the violation of the act, shall be by ordinance. “Resolution” means the official action of the township board in the form of a motion.

(2) Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of an ordinance shall be, “The charter township of ..... ordains:”. Except in the case of an ordinance that is declared to be an emergency ordinance, an ordinance shall not be finally passed by the township board at the same meeting at which it is introduced, or before it is published in the form in which it is introduced. An ordinance shall not be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted and published at length. When enacted, an ordinance shall be immediately recorded by the township clerk in a book to be called “The ordinance book”. The supervisor and township clerk shall authenticate the record by their official signatures on the record. The ordinances of each charter township shall be compiled and published in loose leaf or booklet form not less than once in every 10-year period.

© Courtesy of www.legislature.mi.gov

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.20;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1994, Act 13, Eff. May 1, 1994.

42.21 Violation of ordinances; sanction; designation as civil infraction; act or omission constituting crime; penalty; distribution of fines.

Sec. 21. (1) The township board shall provide in each 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 257.955.

(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 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.

(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, MCL 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) For an ordinance not described in subsection (2) or (3), punishment for a violation of the ordinance shall not exceed a fine of $500.00 or imprisonment for 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. In addition, a charter 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.

(6) Fines collected for the violation of the ordinances of a charter township shall be distributed as provided in section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.21;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1978, Act 553, Imd. Eff. Dec. 22, 1978;—Am. 1994, Act 13, Eff. May 1, 1994;—Am. 1996, Act 36, Imd. Eff. Feb. 26, 1996;—Am. 1999, Act 58, Eff. Oct. 1, 1999;—Am. 2012, Act 8, Imd. Eff. Feb. 15, 2012.

42.21a Police officers; right to pursue, arrest, and detain person outside of charter township limits.

Sec. 21a. 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 charter township, or has committed or is suspected of having committed any crime within a charter township, or has escaped from any prison or jail in the charter township, the police officers of that charter township shall have the same right to pursue, arrest, and detain the person outside of the charter township limits as does the sheriff of the county.

History: Add. 1983, Act 9, Imd. Eff. Mar. 18, 1983.

© Courtesy of www.legislature.mi.gov

42.21b Police officer or constable; authority to execute bench warrant.

Sec. 21b. A police officer of a charter township or, if authorized by the township board, a constable of a charter township has the same authority within the charter 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 45, Imd. Eff. May 12, 1992.

42.21c Regulation of recreational trailway; posting of ordinance; violation as municipal civil infraction; penalty.

Sec. 21c. (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 21 prohibits an ordinance from designating as a municipal civil infraction.

History: Add. 1994, Act 82, Eff. Oct. 1, 1994.

42.22 Ordinance; publication; effective date; publication of summary or true copy; catch lines required; drafting of summary.

Sec. 22. An ordinance passed by a township board shall be published at least once. An ordinance is effective immediately upon its publication, unless a date upon which the ordinance shall become effective, which is subsequent to the date of the publication of the ordinance, is specifically provided in the ordinance. The publication of a summary or a true copy of an ordinance after final passage, as a part of the published proceedings of the township board, shall constitute publication of the ordinance. If a summary of an ordinance is published, the township shall include in the publication the designation of a location in the township where a true copy of the ordinance can be inspected or obtained. Each section of an ordinance or a summary of an ordinance shall be preceded by a catch line. A summary of an ordinance may be drafted by the same person, corporation, partnership, firm, association, or other legal entity who drafted the ordinance or by the township board or township zoning board and shall be written in clear and nontechnical language.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.22;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1982, Act 345, Eff. Mar. 30, 1983.

42.23 State law or standard code; adoption as township ordinance by citation; publication, distribution, charge.

Sec. 23. The township board may adopt any provision of state law or any detailed technical regulations as a township ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial: Provided, That any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the township. Where any recognized official or unofficial standard code is so adopted, it may be published by providing to the public not less than 50 copies in book or booklet form, available for public distribution at a reasonable charge, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.23;—Am. 1949, Act 70, Eff. Sept. 23, 1949.

42.24 Submission of itemized estimates of anticipated expenditures; preparation and submission of budget proposal; time.

Sec. 24. On or before 150 days prior to the commencement of the fiscal year, each township officer shall submit to the supervisor, or to the township superintendent if such officer has been appointed, an itemized estimate of the anticipated expenditures of the township for the next fiscal year for the township activities under his or her charge. The supervisor, or township superintendent, as the case may be, shall prepare a complete itemized budget proposal for the next fiscal year and shall submit it to the township board not later than 120 days prior to the commencement of the fiscal year.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.24;—Am. 1988, Act 82, Eff. Apr. 1, 1988.

42.25 Budget proposal; contents; commencement of fiscal year.

Sec. 25. The budget proposal shall present a complete financial plan for the ensuing fiscal year, which shall commence on January 1 of each year and end on the following December 31, or in the alternative shall

© Courtesy of www.legislature.mi.gov

commence on April 1 of each year and end on the following March 31. In no event shall any fiscal year of a township be extended beyond 12 months. It shall include at least all of the following information:

(a) Detailed estimates of all proposed expenditures for each function and office of the township, showing the expenditures for corresponding items for the current and last preceding fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year.

(b) Statements of the bonded and other indebtedness of the township, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any.

(c) Detailed estimates of all anticipated income of the township from sources other than taxes and borrowing, with a comparative statement of the amounts received by the township from each of the same or similar sources for the last preceding and current fiscal years.

(d) A statement of the estimated balance or deficit, as the case may be, from the end of the current fiscal year.

(e) An estimate of the amount of money to be raised by taxation and from delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures.

(f) Such other supporting schedules as the township board considers necessary.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.25;—Am. 1988, Act 82, Eff. Apr. 1, 1988.

42.26 Budget; notice, public hearing, prior public inspection.

Sec. 26. A public hearing on the budget shall be held before its final adoption, at such time and place as the township board shall direct, and notice of such public hearing shall be published at least 1 week in advance by the township clerk. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the township clerk for a period of not less than 1 week prior to such public hearing.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.26.

42.27 Adoption of budget by township board; resolution; appropriation; tax levy; limitation; separate appropriation for fire and police departments; tax collection; interim budget.

Sec. 27. (1) Except as otherwise provided by this subsection, prior to the commencement of the fiscal year, the township board shall, by resolution, adopt the budget for the next fiscal year, make an appropriation of the money needed for township purposes, and provide for a levy of taxes upon real and personal property. If a township operates on a calendar year budget cycle, a public hearing on the proposed budget shall be held not later than December 15 and adopted not later than December 31, in the year preceding the calendar year covered by the budget.

(2) The levy allowed under subsection (1) shall not exceed 1/10 of 1% of the assessed valuation of all real and personal property subject to taxation within the limits of a village located within the township and 1/2 of 1% of the assessed valuation of all real and personal property subject to taxation in the balance of the township. The electors of a charter township may increase the tax levy limitation not to exceed a total of 1% of the assessed valuation of all real and personal property in the township for a period not to exceed 20 years at 1 time.

(3) If a township has 1 or more villages that maintain either or both a fire department or a police department, the expense of a township fire department or police department shall be appropriated separately from the other expenses of the township and a tax levy for these expenses shall not be spread upon the township assessment roll against the property, either real or personal, located in these villages.

(4) The adoption of the resolution under this section is the final authority for the township supervisor to spread any approved levies upon the tax roll for the current year and to include the amount of each levy in his or her warrant to the township treasurer. The township treasurer shall collect and return the warrant as provided under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(5) Within 60 days after the incorporation of a township as a charter township under this act, the township board shall, by resolution, adopt an interim budget until the commencement of the next fiscal year and make an appropriation from the funds and assets of the township available for these purposes.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.27;—Am. 1949, Act 70, Eff. Sept. 23, 1949;—Am. 1953, Act 188, Eff. Oct. 2, 1953;—Am. 1976, Act 90, Eff. Mar. 31, 1977;—Am. 1988, Act 82, Eff. Apr. 1, 1988;—Am. 2003, Act 191, Imd. Eff. Oct. 31, 2003.

42.28 Budget or supplemental appropriations; expenditure, restrictions; unencumbered balances, transfer, reappropriation.

Sec. 28. No money shall be drawn from the treasury of the township nor shall any obligation for the

© Courtesy of www.legislature.mi.gov

expenditure of money be incurred, except pursuant to the budget appropriation, or pursuant to any supplemental appropriation which may be made from surplus received. The township board may transfer any unencumbered appropriation balance, or any portion thereof, from 1 fund or agency to another. The balance in any appropriation, which has not been encumbered, at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.28;—Am. 1967, Act 34, Imd. Eff. June 6, 1967.

42.29 Quarterly statement of estimated and actual income and expenses; submission by supervisor to township board; reduction of appropriations, exceptions.

Sec. 29. At the beginning of each quarterly period during the fiscal year, and more often if required by the township board, the supervisor or the township superintendent, as the case may be, shall submit to the township board data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the township board may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.29.

42.30 Annual audit of accounts; results, filing, public inspection; annual report of township business.

Sec. 30. An independent audit shall be made of all accounts of the township government at least annually and more frequently if deemed necessary by the township board. Such audit shall be made by qualified accountants experienced in municipal accounting. The results of such audit shall be on file in the office of the township clerk and available to the public for inspection. An annual report of the township business shall be made available to the public by the township board in such form as will disclose pertinent facts concerning the activities and finances of the township government.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.30.

42.31 Local or public improvements; approval; determination of necessity; special assessments; bonds.

Sec. 31. Each charter township may make local or public improvements by paving streets that are not a part of the county highway system, laying curbs and gutters, installing elevated structures for foot travel over highways within the township with the written approval of the director of the state transportation department if the highways are state highways or with the written approval of the board of county road commissioners if the highways are county roads, laying sidewalks, installing solid waste disposal systems, steam generation and distribution, paving streets that are a part of the county highway system with the consent of and according to specifications of the county road commission, laying storm and sanitary sewers and separating storm water drainage and footing drains from sanitary sewers on privately owned property for a public purpose, installing water systems, and installing street and highway lighting systems, and further may maintain or operate these improvements. The township board of each charter township may determine the necessity of the local or public improvement and may determine that the whole or any part of the expense of the local or public improvement shall be defrayed by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement. A special assessment under this section shall be made in all respects as provided for the making of special assessments under 1954 PA 188, MCL 41.721 to 41.738. Each charter township may borrow money and issue bonds therefor in anticipation of the payment of special assessments, which may be an obligation of the special assessment district or may be both an obligation of the special assessment district and a general obligation of the township. Bonds issued under this act shall be issued in accordance with 1954 PA 188, MCL 41.721 to 41.738.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.31;—Am. 1960, Act 13, Imd. Eff. Apr. 13, 1960;—Am. 1964, Act 34, Imd. Eff. May 4, 1964;—Am. 1973, Act 82, Imd. Eff. July 31, 1973;—Am. 1979, Act 141, Imd. Eff. Nov. 7, 1979;—Am. 2002, Act 576, Imd. Eff. Oct. 3, 2002.

42.32 Succession to properties of former township; suits or prosecutions, debts and liabilities, uncollected taxes and assessments.

Sec. 32. All charter townships created under the provisions of this act shall succeed to and be vested with all the property, real and personal, moneys, rights, credits and effects, and of all records, files, books and papers belonging to such township as it formerly existed, and no rights or liabilities of the township which existed at the time it became a charter township, and no suit or prosecution of any kind commenced prior to and continuing at such time, shall be, in any manner, affected by such change, but the same shall continue,

© Courtesy of www.legislature.mi.gov

stand, or progress as if no such change had been made, and all debts and liabilities of the township and all taxes and assessments levied and uncollected at the time of such change shall stand until discharged or collected the same as if such change had not been made.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.32.

42.33 Liberal construction of act.

Sec. 33. The provisions of this act shall be liberally construed in the interest of the public health and welfare and the safety of persons and property within such townships as shall incorporate under the provisions of this act.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.33.

42.34 Exemption of charter township from annexation to contiguous city or village; exceptions.

Sec. 34. (1) A charter township existing on June 15, 1978, or a township incorporated after June 15, 1978 as a charter township that complies with the following standards, is exempt from annexation to any contiguous city or village except as provided in subsections (2) to (8):

(a) Has a state equalized valuation of not less than $25,000,000.00.

(b) Has a minimum population density of 150 persons per square mile to be determined by the secretary of state by dividing the most recent regular or special census of population by the number of square miles then under the jurisdiction of the charter township not to include the population or territory within the jurisdiction of an incorporated village.

(c) Provides fire protection service by contract or otherwise.

(d) Is governed by a comprehensive zoning ordinance or master plan.

(e) Provides solid waste disposal services to township residents, within or without the township, by contract, license, or municipal ownership.

(f) Provides water or sewer services, or both, by contract or otherwise.

(g) Provides police protection through contract with the sheriff in addition to normal sheriff patrol, through an intergovernmental contract, or through its own police department.

(2) Notwithstanding subsection (1), the state boundary commission may, under procedures initiated and conducted under section 9 of the home rule city act, 1909 PA 279, MCL 117.9, order a portion or portions of a charter township to be annexed as necessary to eliminate free standing islands of the township completely surrounded by an annexing city, or to straighten or align the exterior boundaries of the city or village in a manner that the charter township and city or village contain uniform straight boundaries wherever possible.

(3) Notwithstanding subsection (1), a portion of a charter township, which charter township is contiguous on all sides with a city or village, may be annexed by that city or village with the approval of a majority of the electors in that portion of a charter township.

(4) Notwithstanding subsection (1), if a qualified elector does not reside in the territory proposed to be annexed that is contiguous to the city or village, other than the 1 or more persons petitioning, or if a petition signed by 1 or more persons, firms, corporations, the United States government, or the state or any of its subdivisions that collectively hold the equitable title as vendee under a recorded land contract or memorandum of land contract, or recorded legal title to more than 1/2 of the area of the land in the territory to be annexed is filed with the city or village and with the township board of the charter township in which the territory is situated, the annexation may be accomplished by the affirmative majority vote of the city council or village board of the city or village and the approval of the charter township board of the township.

(5) Notwithstanding subsections (1) and (3), a portion of a charter township contiguous to a city or village may be annexed to that city or village upon the filing of a petition with the county clerk which petition is signed by 20% of the registered electors in the area to be annexed and approval by a majority of the qualified and registered electors voting on the question in the city or village to which the portion is to be annexed, and the portion of the township which is to be annexed, with the vote in each unit to be counted separately.

(6) If a petition is filed as provided in subsection (5), the county clerk, after determining the validity of the petition, shall order a referendum on the question of annexation. This referendum shall occur within 1 year after the validation of the petitions. The referendum shall be held at the first primary or general election held in that county not less than 60 days after the validation of the petition, or in compliance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(7) A village having a population of 4,200 or more shall not be annexed to a contiguous unit of government unless a majority of the qualified and registered electors residing within the village vote in favor of the annexation at an election held under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(8) The common boundary of a charter township and a city or village may be adjusted by resolution

© Courtesy of www.legislature.mi.gov

approved by a majority of each of the respective governing bodies after the governing bodies give 90 days' notice to property owners in the area proposed for the boundary adjustment, and the governing bodies conduct a public hearing on the proposed boundary adjustment.

History: 1947, Act 359, Eff. Oct. 11, 1947;—CL 1948, 42.34;—Am. 1978, Act 242, Imd. Eff. June 15, 1978;—Am. 1978, Act 591, Imd. Eff. Jan. 4, 1979;—Am. 1983, Act 136, Imd. Eff. July 18, 1983;—Am. 1984, Act 353, Eff. Mar. 29, 1985;—Am. 2003, Act 300, Eff. Jan. 1, 2005.

©
Courtesy of www.legislature.mi.gov