## **HOUSE BILL No. 4922**

September 8, 2011, Introduced by Reps. Walsh and Byrum 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 and 4 (MCL 41.181 and 41.184), as amended by 1999 PA 257.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- Sec. 1. (1) 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

- 1 limited to, ordinances concerning fire protection, licensing or use
- 2 of bicycles, traffic, parking of vehicles, sidewalk maintenance and
- 3 repairs, the licensing of business establishments, the licensing
- 4 and regulating of public amusements, and the regulation or
- 5 prohibition of public nudity, and may provide sanctions for the
- 6 violation of the ordinances. The township shall enforce the
- 7 ordinances and may employ and establish a police department with
- 8 full power to enforce township ordinances and state laws. If state
- 9 laws are to be enforced, a township shall have a law enforcement
- 10 unit or may by resolution appropriate funds and call upon the
- 11 sheriff of the county in which the township is located, the
- 12 department of state police, or another law enforcement agency to
- 13 provide special police protection for the township. The sheriff,
- 14 department of state police, or other local law enforcement agency
- 15 shall, if called upon, provide special police protection for the
- 16 township and enforce local township ordinances to the extent that
- 17 township funds are appropriated for the enforcement. Special
- 18 township deputies appointed by the sheriff shall be under the
- 19 jurisdiction of and solely responsible to the sheriff. Ordinances
- 20 regulating traffic and parking of vehicles and bicycles shall not
- 21 contravene the Michigan vehicle code, 1949 PA 300, MCL 257.1 to
- **22** 257.923.
- 23 (2) Ordinances enacted may apply to streets, roads, highways,
- 24 or portions of the township determined by the township board or may
- 25 be limited to specified platted lands within the township, and with
- 26 respect to these lands shall be valid and enforceable whether the
- 27 roads and streets have been dedicated to public use or not.

- 1 Township boards of townships enacting ordinances under this section
- 2 may accept contributions from duly constituted representatives of
- 3 the platted lands benefited by the ordinances to defray
- 4 administrative and enforcement costs incident to the enactment of
- 5 ordinances.
- 6 (3) A township may adopt a provision of any state statute for
- 7 which the maximum period of imprisonment is 93 days or the Michigan
- 8 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, by reference in an
- 9 adopting ordinance, which statute shall be clearly identified in
- 10 the adopting ordinance. A EXCEPT AS OTHERWISE PROVIDED IN THIS
- 11 SUBSECTION, A township shall not enforce any provision adopted by
- 12 reference for which the maximum period of imprisonment is greater
- 13 than 93 days. A TOWNSHIP MAY ADOPT SECTION 625(1)(C) OF THE
- 14 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625, BY REFERENCE IN AN
- 15 ADOPTING ORDINANCE AND SHALL PROVIDE THAT A VIOLATION OF THAT
- 16 ORDINANCE IS A MISDEMEANOR PUNISHABLE BY 1 OR MORE OF THE
- 17 FOLLOWING:
- 18 (A) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.
- 19 (B) IMPRISONMENT FOR NOT MORE THAN 180 DAYS.
- 20 (C) A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.
- 21 (4) As used in this section, "public nudity" means knowingly
- 22 or intentionally displaying in a public place, or for payment or
- 23 promise of payment by any person including, but not limited to,
- 24 payment or promise of payment of an admission fee, any individual's
- 25 genitals or anus with less than a fully opaque covering, or a
- 26 female individual's breast with less than a fully opaque covering
- 27 of the nipple and areola. Public nudity does not include any of the

- 1 following:
- 2 (a) A woman's breastfeeding of a baby whether or not the
- 3 nipple or areola is exposed during or incidental to the feeding.
- 4 (b) Material as defined in section 2 of 1984 PA 343, MCL
- **5** 752.362.
- **6** (c) Sexually explicit visual material as defined in section 3
- 7 of 1978 PA 33, MCL 722.673.
- 8 Sec. 4. (1) A township ordinance shall contain a provision
- 9 stating when the ordinance takes effect.
- 10 (2) Except as provided in section 22 of the charter township
- 11 act, 1947 PA 359, MCL 42.22, and section 11 of the township zoning
- 12 act, 1943 PA 184, MCL 125.281, SECTION 401 OF THE MICHIGAN ZONING
- 13 ENABLING ACT, 2006 PA 110, MCL 125.3401, 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
- 19 violation of the ordinance, the ordinance shall take effect the day
- 20 following the date of the publication of the ordinance or any date
- 21 following publication specified in the ordinance.
- 22 (3) Publication of the ordinance shall be made within 30 days
- 23 after the passage of the ordinance by inserting either a true copy
- 24 or a summary of the ordinance once in a newspaper circulating
- 25 within the township. A summary of an ordinance may be drafted by
- 26 the same person who drafted the ordinance or by the township board
- 27 or township zoning board PLANNING COMMISSION and shall be written

- 1 in clear and nontechnical language. Each section of an ordinance or
- 2 a summary of an ordinance shall be preceded by a catch line. If a
- 3 summary of an ordinance is published, the township shall designate
- 4 in the publication the location in the township where a true copy
- 5 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, a statement of the purpose of the statute shall be
- 10 published with the adopting ordinance or with the summary of the
- 11 adopting ordinance under subsection (3). Copies of the statute
- 12 adopted by the township by reference shall be kept in the office of
- 13 the township clerk, available for inspection by and distribution to
- 14 the public. The township shall include in the publication the
- 15 designation of a location in the township where a copy of the
- 16 statute can be inspected or obtained. A-EXCEPT AS OTHERWISE
- 17 PROVIDED IN THIS SUBSECTION, A township shall not enforce any
- 18 provision adopted by reference for which the maximum period of
- 19 imprisonment is greater than 93 days. A TOWNSHIP MAY ADOPT SECTION
- 20 625(1)(C) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625,
- 21 BY REFERENCE IN AN ADOPTING ORDINANCE AND SHALL PROVIDE THAT A
- 22 VIOLATION OF THAT ORDINANCE IS A MISDEMEANOR PUNISHABLE BY 1 OR
- 23 MORE OF THE FOLLOWING:
- 24 (A) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.
- 25 (B) IMPRISONMENT FOR NOT MORE THAN 180 DAYS.
- 26 (C) A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.