# TOWNSHIP PARKS AND PLACES OF RECREATION

## Act 157 of 1905

AN ACT to provide for the acquisition, maintenance, management, and control of township parks, resorts, bathing beaches, and places of recreation; to provide for the creation of a township park commission; to provide for the dissolution of a township park commission; to provide for a board of commissioners; to provide for the issuance of bonds and the levy of taxes; to provide for the transfer of certain real property for parks; to authorize cities and villages to appropriate money for park purposes; to provide for the acquisition, construction, and use of wharves, piers, docks, and landing places in townships; to provide the powers and duties of certain local units of government and certain officials; and to prescribe penalties and provide remedies.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- Am. 1941, Act 308, Eff. Jan. 10, 1942 ;-- Am. 1964, Act 32, Imd. Eff. May 4, 1964 ;-- Am. 1989, Act 79, Imd. Eff. June 20, 1989 ;-- Am. 1998, Act 160, Eff. Mar. 23, 1999 ;-- Am. 2008, Act 496, Imd. Eff. Jan. 13, 2009

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*The People of the State of Michigan enact:*

### 41.421 Township parks; acquisition; control by board of commissioners; condemnation of land.

Sec. 1.

Any township or townships, being a contiguous or adjacent territory, may acquire by gift or devise a tract of real estate which shall be contiguous or adjacent to the territory acquiring the same for a free public park, resort, bathing beach or other place of recreation, and may hold such real estate in fee simple for such purposes. The supervisor of each of such townships shall comprise a board of commissioners for the control of such park or resort and in case any such supervisor shall decline to act as such commissioner, then the township board shall designate a member of the township board to act as such commissioner. In case there is only 1 township interested in such park, then the township board shall be the board of commissioners. Such commissioners shall act in that capacity during the term of office to which they were elected respectively in their townships and until their successors are elected and qualified.

Such commission shall have authority in the name or names of the interested township or townships to condemn land for such purpose in accordance with the condemnation laws of this state.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2192 ;-- CL 1929, 2400 ;-- Am. 1941, Act 308, Eff. Jan. 10, 1942 ;-- CL 1948, 41.421 ;-- Am. 1964, Act 32, Imd. Eff. May 4, 1964

### 41.422 Place of recreation; adoption of rules and regulations by board of commissioners; violation as misdemeanor; recreational trailway; posting of regulations; prohibited operation of vehicle as municipal civil infraction; penalty; admission charges.

Sec. 2.

(1) The board of commissioners may adopt rules and regulations for the use and maintenance of the place of recreation, including the hours during which the place of recreation shall be open to the public, and may make leases for the purposes of erecting cottages and other necessary buildings under such rules and regulations as it considers expedient. Under any such lease no spirituous or malt liquors shall be sold on the premises.

(2) A person who violates the rules and regulations of the board of commissioners is guilty of a misdemeanor.

(3) A rule or regulation that regulates a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.

(4) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by a rule or regulation is a municipal civil infraction, whether or not so designated by the rule or regulation. 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 rule or regulation 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 is excluded from the definition of municipal civil infraction in section 113 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.113 of the Michigan Compiled Laws.

(5) A charge for admission to the place of recreation may be made by the board of commissioners, but the charge shall not exceed the charge for admission to state parks of this state. Funds received from such admissions shall be used for the improvement of the places of recreation.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2193 ;-- CL 1929, 2401 ;-- Am. 1941, Act 308, Eff. Jan. 10, 1942 ;-- CL 1948, 41.422 ;-- Am. 1964, Act 32, Imd. Eff. May 4, 1964 ;-- Am. 1994, Act 88, Eff. Oct. 1, 1994

**41.423 Board of commissioners; election of officers; employees; record of transactions; treasurer, bond.**

Sec. 3.

The said board of commissioners shall annually elect 1 of its members as president. It shall elect a secretary and treasurer, and may appoint such other officers or employes as it may deem necessary. The secretary shall keep a correct record of all the transactions of the board of commissioners, which shall be a public record, and may be inspected at all times by any taxpayer residing in any township owning an interest in any such park or resort as a grantee. The treasurer shall give a bond in the penal sum of 6,000 dollars.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2194 ;-- CL 1929, 2402 ;-- CL 1948, 41.423

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**41.424 Township parks; plan for acquisition, specifications; referendum, adoption, record.**

Sec. 4.

Any plan for the securing such park or resort shall fully set forth the premises which it is intended to occupy as a park or resort, and specify the sum which each of said townships will raise by tax each year for the maintenance and support thereof, which shall not be less than 1/10 of a mill nor more than 5 mills on the respective valuations of each of said townships. Said moneys so received shall be paid to the treasurer of said board of commissioners, and shall be paid out on orders drawn on him, signed by the chairman and secretary of said board of commissioners. The full proposition shall be submitted to the qualified electors of each township at a regular or special election, and if adopted by a majority vote shall be a binding contract on such township, and if adopted, shall be recorded in the office of the register of deeds in the county or counties in which said lands shall be situated. The manner of conducting, noticing, canvassing, returning and declaring the result of such election shall, as near as may be, be the same as is now prescribed by the general election law governing elections in said townships for the election of township officers.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2195 ;-- CL 1929, 2403 ;-- CL 1948, 41.424

**41.425 Exemption from taxation.**

Sec. 5.

So much of the estate, both real and personal, as is owned by such township or townships shall be exempt from taxes, but all improvements under lease for private use shall be liable to be taxed.

**History:** 1905, Act 157, Eff. Sept. 16, 1905 ;-- CL 1915, 2196 ;-- CL 1929, 2404 ;-- CL 1948, 41.425

**41.425a Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.**

Sec. 5a.

A petition under section 6, 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 160, Eff. Mar. 23, 1999

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**41.426 Township park commission; petition; election; membership; terms; increase or decrease in number of members; vacancy.**

Sec. 6.

(1) On receipt of a written petition signed by not less than 8% of the registered voters of a township, the township board of that township, at its first meeting after the receipt of the petition, shall submit the question of establishing a township park commission to the registered voters of the township at the next regular election to be held in the township. If a majority of the registered voters voting on the question vote in favor of establishing a township park commission, the township board shall appoint the following number of members to a township park commission:

(a) Before the effective date of the amendatory act that added subsection (3), 6 members.

(b) On and after the effective date of the amendatory act that added subsection (3), an odd number of members not fewer than 5 or more than 9 as determined by the township board.

(2) The members appointed pursuant to subsection (1) shall serve until the next township election at which township officers are elected. At the next township election at which township officers are elected held pursuant to section 358 of the Michigan election law, 1954 PA 116, MCL 168.358, the number of members of the township park commission as determined under subsection (1) shall be elected for terms of 4 years each.

(3) On and after the effective date of the amendatory act that added this subsection, a township board shall increase or decrease the number of members of an existing township park commission in conformity with subsection (1)(b). If the township board increases the number of members of the township park commission board, the township board shall appoint the additional members who shall serve for the period prescribed in sections 370 and 370a of the Michigan election law, 1954 PA 116, MCL 168.370 and 168.370a. If the township board decreases the number of members of the township park commission board, the members of the township park commission then serving shall remain in office until the next township election at which township officers are elected held pursuant to section 358 of the Michigan election law, 1954 PA 116, MCL 168.358.

(4) After a township board increases or decreases the number of members of an existing township park commission in conformity with subsection (1)(b), any future increase or decrease in the number of park commission members shall only occur at a township election at which township officers are elected held pursuant to section 358 of the Michigan election law, 1954 PA 116, MCL 168.358.

(5) A vacancy in the township park commission shall be filled by appointment of the township board for the period prescribed in sections 370 and 370a of the Michigan election law, 1954 PA 116, MCL 168.370 and 168.370a.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989 ;-- Am. 1999, Act 15, Imd. Eff. Apr. 27, 1999

**41.426a Township park commission; authority generally.**

Sec. 6a.

The township park commission shall have authority to acquire, maintain, manage, and control township parks and places of recreation, including bathing beaches, and shall have authority, in the name of the township, to condemn land for those purposes, in accordance with the condemnation laws of this state. The township board may authorize the township park commission to act as the township recreation board provided by Act No. 156 of the Public Acts of 1917, being sections 123.51 to 123.54 of the Michigan Compiled Laws. The township park commission may accept, in the name of the township, gifts, grants, and devises of land suitable for parks and places of recreation, and gifts and bequests of money. That money shall be held in trust and used for the acquisition and improvement of land suitable for parks and places of recreation.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

**41.426b Township park commission; compensation of members; employment of clerical assistance; expenses.**

Sec. 6b.

The members of the township park commission shall receive compensation as fixed by the township board. The township park commission may employ clerical assistance and incur other expenses that are authorized by the township board. Compensation and expenses shall be paid from the park maintenance fund provided for in section 6c.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

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**41.426c Budget; limitation; assessment, levy, and collection of tax.**

Sec. 6c.

The township park commission shall submit to the township board a detailed budget covering the cost of maintenance of the township parks and places of recreation of the township for the ensuing year. The budget shall not exceed 1 and 1/2 mill on the assessed valuation of the township. The township board shall examine the budget and shall approve the entire budget, or a part of the budget that the board considers reasonable and necessary, which sum shall be incorporated into the tax on the township, and when collected shall be deposited by the township treasurer in a fund to be known as the park maintenance fund. Expenditures from this fund shall be on vouchers approved by the township park commission, and it shall be the duty of the township treasurer to allow and pay these vouchers on presentation to him or her. The assessment, levy, and collection of the tax provided in this section shall be performed in the manner provided in the general property tax act, Act No. 206 of the Public Acts of 1893, being sections 211.1 to 211.157 of the Michigan Compiled Laws.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

**41.426d Township bonds; acquisition of lands for parks and places of recreation; payment.**

Sec. 6d.

The township park commission may request that the township board submit to the voters of the township the question of the issuance of township bonds, the proceeds of which shall be used in the acquisition of lands for township parks and places of recreation. A majority vote of the qualified voters voting shall authorize the issuance of township bonds. The issuance of township bonds shall be governed by the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. However, if the township has no outstanding indebtedness, bonded or otherwise, and the amount of the total proposed acquisition cost is less than 1 per cent of the assessed valuation of

the township, the township board may authorize and direct the township park commission to purchase or condemn designated lands for township parks and places of recreation and may pay annually to the township park commission the available portions of contingent funds of the township necessary to pay for the acquisition of the lands. The township board shall determine the maximum amount to be paid for these lands and if acquisition is made by purchase instead of condemnation, shall also prescribe the terms of payment.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989 ;-- Am. 2002, Act 228, Imd. Eff. Apr. 29, 2002

**41.426e Sale or conveyance of portions of land not needed.**

Sec. 6e.

If land is, or has been, acquired under this act by a township park commission, the commission, subject to approval of the township board, may sell and convey the portion or portions not needed on terms the township board considers proper.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

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**41.426f Annual report.**

Sec. 6f.

The township park commission shall make a detailed annual report concerning township parks and places of recreation to the township board and to the state treasurer, in the form and containing information that the state treasurer directs.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

**41.426g Township park commission; dissolution; procedures.**

Sec. 6g.

(1) On receipt of a written petition signed by not less than 8% of the registered voters of a township, the township board of that township, at its first meeting after receipt of the petition, shall submit the question of dissolving the township park commission to the registered voters of the township at the next regular election to be held in the township. If a majority of the registered voters voting on the question vote in favor of dissolving the township park commission, the township park commission is dissolved.

(2) If a township park commission is dissolved pursuant to subsection (1), the powers and duties and all of the assets and liabilities of the township park commission shall be transferred to the township board of that township.

**History:** Add. 2008, Act 496, Imd. Eff. Jan. 13, 2009

**41.426h Township park commission; dissolution; validation; ratification.**

Sec. 6h.

Action taken by a township board to dissolve a township park commission that was approved by a majority of the township voters voting on the question at the November 2006 general election is validated and ratified, and the township park commission is dissolved.

**History:** Add. 2008, Act 496, Imd. Eff. Jan. 13, 2009

**41.427 Conveyances to and duties of board of county park trustees.**

Sec. 7.

The township board of a township may convey to the board of county park trustees of a county in which the township is located lands held by the township for township parks or places of recreation, including lands acquired by the township through the dedication of a plat duly approved and recorded, or may arrange with the board of county park trustees for the improvement, maintenance, management, and control of those lands. Upon the acceptance by the county park trustees of the transfer and conveyance, or upon the making of any arrangement for the care, management, and control, the county park trustees shall be charged with all the duties relating to parks and public places as are provided by Act No. 90 of the Public Acts of 1913, being sections 123.61 to 123.68 of the Michigan Compiled Laws.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

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**41.428 Appropriation; purpose; contribution to park commission.**

Sec. 8.

The legislative body of a city or village may appropriate, out of the general or contingent funds of that city or village, funds for the purpose of contributing toward the cost of the acquisition, support, maintenance, upkeep, and improvement of land acquired by a township, or 2 or more townships, for use as a free public park, resort, bathing beach, or other place of recreation. The contribution shall be made to the park commission created by the act under which the park site was or will be acquired.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

**41.429 Wharves, piers, docks, and landing places.**

Sec. 9.

(1) A township abutting upon navigable waters in this state may acquire, construct, and maintain wharves, piers, docks, and landing places for the use and benefit of the public and may lease and control the wharves, piers, docks, and landing places. The township board shall act for the township in acquiring, constructing, and maintaining wharves, piers, docks, and landing places if authorized to do so by the affirmative vote of 3/5 of the registered voters of the township voting on the question at a general or special election.

(2) Proceedings taken under this section shall be taken by the township board, which has the power and authority usually exercised by the board of county road commissioners of the township in acquiring land for laying out, constructing, and maintaining highways. The township board may acquire land for wharves, piers, docks, and landing places and lay out, construct, and maintain these in accordance with the same proceedings, so far as applicable, as are required to be taken by the board of county road commissioners of the township for acquiring land and constructing and maintaining highways. Act No. 283 of the Public Acts of 1909, being sections 220.1 to 239.6 of the Michigan Compiled Laws, is extended to include wharves, piers, docks, and landing places, subject to the provisions contained in this section.

**History:** Add. 1989, Act 79, Imd. Eff. June 20, 1989

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