POLICE AND FIRE PROTECTION

Act 33 of 1951

AN ACT to provide police and fire protection for townships and for certain areas in townships, certain incorporated villages, and certain cities; to authorize contracting for fire and police protection; to authorize the purchase of fire and police equipment, and the maintenance and operation of the equipment; to provide for defraying the cost of the equipment; to authorize the creation of special assessment districts and the levying and collecting of special assessments; to authorize the issuance of special assessment bonds in anticipation of the collection of special assessments and the advancement of the amount necessary to pay such bonds, and to provide for reimbursement for such advances by reassessment if necessary; to authorize the collection of fees for certain emergency services in townships and other municipalities; to authorize the creation of administrative boards and to prescribe their powers and duties; to provide for the appointment of traffic officers and to prescribe their powers and duties; and to repeal acts and parts of acts.

History: 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1955, Act 221, Eff. Oct. 14, 1955 ;-- Am. 1960, Act 51, Eff. Aug. 17, 1960 ;-- Am. 1966, Act 105, Imd. Eff. June 22, 1966 ;-- Am. 1982, Act 365, Eff. Mar. 30, 1983 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 1990, Act 102, Imd. Eff. June 14, 1990 ;-- Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004

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The People of the State of Michigan enact:

41.801 Purchase of police and fire motor vehicles, apparatus, equipment, and housing; appropriation; special assessment; bonds; election; estimate of cost and expenses; special assessment district; hearing; publication or posting of notice; distribution of special assessment levy; transfer or loan of money from general fund; repayment; exercise of powers; assessment after December 31, 2018; "taxable value" defined; finding of invalid assessment; bonds subject to revised municipal finance act.

Sec. 1.

(1) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may purchase police and fire motor vehicles, apparatus, equipment, and housing and for that purpose may provide by resolution for the appropriation of general or contingent funds. Before January 1, 1999, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the assessed valuation of the area in their respective townships for which fire protection is to be furnished. After December 31, 1998, the appropriation for fire motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the taxable value of the area in their respective townships for which fire protection is to be furnished. Before January 1, 1999, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the assessed valuation of the area in their respective townships for which police protection is to be furnished. After December 31, 1998, the appropriation for police motor vehicles, apparatus, equipment, and housing in a 1-year period must not exceed 10 mills of the taxable value of the area in their respective townships for which police protection is to be furnished.

(2) The township board of a township, or the township boards of adjoining townships acting jointly, whether or not the townships are located in the same county, may provide annually by resolution for the appropriation of general or contingent funds for maintenance and operation of police and fire departments.

(3) The township board, or the township boards of adjoining townships acting jointly, may provide that the sums prescribed in subsection (2) for purchasing and housing equipment, for the operation of the equipment, or both, may be defrayed by special assessment on the lands and premises in the township or townships to be benefited, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, and may issue bonds in anticipation of the collection of these special assessments. The question of raising money by special assessment may be submitted to the electors of the township or townships by the township board, or township boards acting jointly, at a general election or special election called for that purpose by the township board or township boards. The question of raising money by special assessment must be submitted by the township board, or township boards acting jointly, if in the affected township, or in each of the affected townships, the owners of 10% of the land to be made into a special assessment district petition the township board or boards.

(4) If a special assessment district is proposed under subsection (3), the township board, or township boards

acting jointly, shall estimate the cost and expenses of the police and fire motor vehicles, apparatus, equipment, and housing and police and fire protection, and fix a day for a hearing on the estimate and on the question of creating a special assessment district and defraying the expenses of the special assessment district by special assessment on the property to be especially benefited, except, beginning in 2002, property exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155. The hearing must be a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting must be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. In addition, the township board, or township boards acting jointly, shall publish in a newspaper of general circulation in the proposed district a notice stating the time, place, and purpose of the meeting. If there is not a newspaper of general circulation in the proposed district, notices must be posted in not less than 3 of the most public places in the proposed district. This notice shall be published or posted not less than 5 days before the hearing. On the day appointed for the hearing, the township board, or township boards acting jointly, shall be in session to hear objections that may be offered against the estimate and the creation of the special assessment district. Before January 1, 1999, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, to defray the expenses of police and fire protection. After December 31, 1998, if the township board, or township boards acting jointly, determine to create a special assessment district, they shall determine the boundaries by resolution, determine the amount of the special assessment levy, and direct the supervisor or supervisors to spread the assessment levy on the taxable value of all of the lands and premises in the district that are to be especially benefited by the police and fire protection, according to benefits received, except, beginning in 2002, lands and premises exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155, to defray the expenses of police and fire protection. The township board, or township boards acting jointly, shall hold a hearing on objections to the distribution of the special assessment levy. This hearing must be held in the same manner and with the same notice as provided in this section. The township board, or township boards acting jointly, shall annually determine the amount to be assessed in the district for police and fire protection, shall direct the supervisor or supervisors to distribute the special assessment levy, and shall hold a hearing on the estimated costs and expenses of police and fire protection and on the distribution of the levy. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment must be distributed and must become due and be collected at the same time as other township taxes are assessed, levied, and collected, and must be returned in the same manner for nonpayment. If a township has a July property tax levy, not more than 2 mills of the assessment may be collected at the same time and in the same manner as the July levy. If the collections received from the special assessment levied to defray the cost or portion intended to be defrayed for police and fire protection are, at any time, insufficient to meet the obligations or expenses incurred for the maintenance and operation of the police and fire departments, the township board of the township, or township boards acting jointly, may, by resolution, authorize the transfer or loan of sufficient money from the general fund of the township or townships, to the special assessment police and fire department fund. This money must be repaid to the general fund of the township or townships out of special assessment funds when collected.

(5) The powers granted by this act with respect to police and fire protection may be exercised with respect to police protection alone, fire protection alone, or police and fire protection in combination.

(6) After December 31, 1998, an ad valorem special assessment levied under this act must be levied on the taxable value of the property assessed. After December 31, 2018, a special assessment levied under this act must be spread on the taxable value of the property assessed based on the special benefit provided to the property assessed and may not be based on police and fire protection provided in a prior year to assessed property.

(7) A special assessment imposed under this act must be levied on all properties within the special assessment district established pursuant to this act other than properties exempt from the collection of taxes under the general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

(8) As used in this section, "taxable value" means that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(9) If the levy of an ad valorem special assessment on the property's taxable value is found to be invalid by a court of competent jurisdiction, the levy of the ad valorem special assessment must be levied on the property's state equalized value.

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

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History: 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1955, Act 221, Eff. Oct. 14, 1955 ;-- Am. 1970, Act 134, Imd. Eff. July 29, 1970 ;-- Am. 1978, Act 101, Imd. Eff. Apr. 6, 1978 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 1998, Act 545, Imd. Eff. Jan. 20, 1999 ;-- Am. 2002, Act 308, Imd. Eff. May 13, 2002 ;-- Am. 2002, Act 501, Imd. Eff. July 15, 2002 ;-- Am. 2018, Act 484, Eff. Jan. 1, 2019

41.802 Annual appropriation.

Sec. 2.

After the creation of a special assessment district under section 1, the township board, or township boards of adjoining townships acting jointly, may appropriate annually that sum necessary for the maintenance and operation of the police and fire departments.

History: 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1974, Act 130, Imd. Eff. May 29, 1974 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989

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41.803 Proceedings relating to making, levying, and collection of special assessments, and to issuing bonds; payment of special assessments and special assessment bonds.

Sec. 3.

All proceedings relating to the making, levying and collection of special assessments authorized by section 1 and the issuing of bonds, except as otherwise provided in this act, shall conform as near as practicable to proceedings provided for townships in Act No. 188 of the Public Acts of 1954, being sections 41.721 to 41.738 of the Michigan Compiled Laws, except that special assessments may be paid in a number of equal annual installments not exceeding 15, as the board may determine.

(2) The township board if authorized by a majority vote of the electors voting may, at the time of issuance, pledge the full faith and credit of the township for the payment of such special assessment bonds.

History: 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1955, Act 221, Eff. Oct. 14, 1955 ;-- Am. 1963, Act 51, Imd. Eff. Apr. 29, 1963 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989

Compiler's Notes: The first subsection of this section, beginning "All proceedings relating...", evidently should be designated subsection "(1)", as follows: "(1) All proceedings ...".

41.804 Fire protection; referendum, special election, laws governing.

Sec. 4.

Any special election called under the provisions of this act shall be held under the laws of this state governing biennial township elections so far as the same may be applicable. In case a majority of qualified electors voting at such election shall vote in favor of such proposition, then the same shall be deemed and declared carried. The vote upon such proposition at any election shall be by ballot.

History: 1951, Act 33, Imd. Eff. May 8, 1951

41.805 Fire protection ordinances and standard fire prevention codes; adoption, publication.

Sec. 5.

The township board of any township, where appropriations have been made as herein provided, shall have power to enact such ordinances and establish and enforce such resolutions as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom. Any township adopting ordinances under the provisions of this section shall have the power to

adopt any standard fire prevention code which has been promulgated by the state or by any department, board or agency thereof, or by any national organization or association which is organized and conducted for the purpose of developing such codes with specific date of publication by reference thereto in an adopting ordinance and without publishing such code in full. The code shall be clearly identified in the ordinance and the purpose of the code shall be published with the adopting ordinance and printed copies shall be kept in the office of the township clerk, available for inspection by and distribution to the public at all times. The publication shall contain a notice to the effect that a complete copy of the code is available for public use and inspection at the office of the township clerk.

History: 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1961, Act 148, Eff. Sept. 8, 1961

41.806 Police and fire departments; contracts for service or for maintenance and operation of equipment; delegation of powers; agreements to furnish protection to city, village, or other township.

Sec. 6.

(1) The township board of a township, or the township boards of adjoining townships acting jointly, if appropriations have been made as provided in this act, may do any of the following:

(a) Establish and maintain police and fire departments.

(b) Organize and maintain police and fire vehicles.

(c) Employ and appoint a police chief and fire chief and other police and fire officers, including detectives, required for the proper and efficient operation and maintenance of the police and fire departments and proper law enforcement.

(d) Make and establish rules and regulations for the government of the police and fire departments, employees, officers, and detectives.

(e) Care and manage the motor vehicles, apparatus, equipment, property, and buildings pertaining to the police and fire departments.

(f) Prescribe the powers and duties of the employees, officers, and detectives.

(2) The township board of a township, or the township boards of adjoining townships, acting jointly, may contract with the township board or legislative body of a township, city, or village that maintains a police or fire department for the service of the department or for the care, maintenance, and operation of police or fire motor vehicles, apparatus, and equipment by the police or fire department of the township, city, or village, and may contract with the legislative body of a village that does not maintain a police department or does not maintain a fire department to furnish police or fire protection to the village.

(3) If a township board, or the township boards of adjoining townships acting jointly, have organized and are maintaining a police or fire department, the board, or boards acting jointly, may also contract with townships, villages, or cities that also maintain a police or fire department or with any other person, organization, or group to provide police or fire apparatus, equipment, or personnel or police or fire protection.

(4) Any of the powers provided in this section, at the discretion of the township board, may be delegated to a police or fire or police and fire administrative board established under section 11 or 12.

(5) A township board may enter into 1 or more agreements or contracts to furnish police or fire protection to a city, village, or other township.

History: 1951, Act 33, Imd. Eff. May 8, 1951 ;-- Am. 1956, Act 9, Imd. Eff. Mar. 9, 1956 ;-- Am. 1961, Act 66, Eff. Sept. 8, 1961 ;-- Am. 1966, Act 110, Imd. Eff. June 22, 1966 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 2004, Act 416, Imd. Eff. Nov. 29, 2004

41.806a Emergency police or fire service; emergency ambulance and inhalator service; ordinance authorizing collection of fees.

Sec. 6a.

The legislative body of a municipality providing emergency police or fire service or the legislative bodies of municipalities acting jointly to provide such a service pursuant to this act may authorize by ordinance the collection of fees for the service. The township board of a township or the county board of commissioners of a county providing emergency ambulance and inhalator service alone or jointly with another municipality and the legislative

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body of such a municipality may authorize by ordinance the collection of fees for the service.

History: Add. 1990, Act 102, Imd. Eff. June 14, 1990

41.807 Repeals.

Sec. 7.

Act No. 28 of the Public Acts of 1923, as amended, being sections 41.301 to 41.305, inclusive, of the Compiled Laws of 1948; Act No. 181 of the Public Acts of 1937, as amended, being sections 41.311 to 41.316a, inclusive, of the Compiled Laws of 1948; and Act No. 151 of the Public Acts of 1931, being sections 41.321 to 41.323, inclusive, of the Compiled Laws of 1948, are hereby repealed.

History: 1951, Act 33, Imd. Eff. May 8, 1951

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41.808 Rights or obligations safeguarded.

Sec. 8.

The provisions of this act shall not be construed to impair or affect any special assessment district, or any rights accruing or any obligations thereof, created under the provisions of any act repealed by this act, but the same may be asserted and all the provisions of said repealed acts shall apply as may be necessary to safeguard any such rights or obligations existing thereunder.

History: 1951, Act 33, Imd. Eff. May 8, 1951

41.809 Joint meetings of township boards.

Sec. 9.

For the purposes of this act, any joint meeting of township boards may be held in any one of the involved townships.

History: 1951, Act 33, Imd. Eff. May 8, 1951

41.810 Fire protection for townships, villages, and qualified cities; "qualified city" defined.

Sec. 10.

(1) This act applies to townships and adjoining townships and incorporated villages and qualified cities. If reference is made in this act to townships, that reference applies to townships and incorporated villages and qualified cities. If reference is made in this act to township boards, that reference applies to township boards and the legislative bodies of incorporated villages and qualified cities. A township, incorporated village, or qualified city shall not use this act to lessen the number of paid full-time firefighters in that township, incorporated village, or qualified city.

(2) As used in this act, "qualified city" means either of the following:

(a) A city with a population of less than 15,500.

(b) A city with a population of 15,500 or more if the question of raising money by special assessment and the amount of the special assessment to be levied annually under this act is approved by a majority of the electors in the special assessment district. The amount of the special assessment to be levied annually under this act that was approved under this subdivision must not be increased unless that increase is first approved by a majority of the electors in the special assessment district.

History: Add. 1960, Act 51, Eff. Aug. 17, 1960 ;-- Am. 1966, Act 105, Imd. Eff. June 22, 1966 ;-- Am. 2004, Act 463, Imd. Eff. Dec. 28, 2004 ;-- Am. 2020, Act 64, Imd. Eff. Mar. 17, 2020 ;-- Am. 2021, Act 113, Imd. Eff. Nov. 10, 2021 ;-- Am. 2022, Act 228, Eff. Mar. 29, 2023

41.811 Joint administrative board; creation; appointment, qualifications, and terms of members; compensation and expenses; vacancy; additional member; election of chairperson and vice-chairperson; meetings; rules of procedure; record of proceedings; quorum; removal of members; annual budget; powers and duties; board not new employer; conducting business at public meeting; availability of writings to public; "governing body" defined.

Sec. 11.

(1) The governing bodies of 2 or more contiguous townships, villages, or qualified cities may, acting jointly, create a joint police administrative board, fire administrative board, or police and fire administrative board. A joint administrative board shall consist of 2 members from each participating township, village, or qualified city. The members of a joint administrative board shall be appointed by their respective governing bodies for terms of 6 years. Of the first members appointed, 1 member from each participating township, village, or qualified city shall be appointed for a term of 4 years. A member of a joint administrative board shall not be an employee of a police or fire department of a participating township, village, or qualified city. A member of a joint administrative board may be compensated for each meeting, not to exceed 52 per year, at a rate established by the participating governing bodies for each meeting the member attends and shall be reimbursed for actual and necessary expenses incurred in the performance of board duties. A vacancy on a joint administrative board shall be filled by the original appointing governing body for the remainder of the unexpired term.

(2) At its first meeting, a joint administrative board shall, by resolution approved by a majority of its members, select an additional member who shall be a resident of a participating township, village, or qualified city. The members shall annually elect a chairperson and a vice-chairperson from the board membership. A joint administrative board shall hold 4 regular quarterly meetings a year and special meetings as necessary at times as it determines. A joint administrative board shall adopt its own rules of procedure and shall keep a record of its proceedings. A majority of the members constitute a quorum for the transaction of business and the affirmative vote of a majority of all the members is necessary for the adoption of a motion or resolution. The members of a joint administrative board shall be residents of the townships, villages, or qualified cities from which they were appointed. The members of a joint administrative board may be removed by the appointing governing body.

(3) A joint administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, for the police department, fire department, or police and fire departments of each participating township, village, or qualified city. The proposed budgets shall be submitted to and reviewed by the respective governing bodies and may be amended, adopted, or rejected by them. A joint administrative board shall have other powers and duties as considered necessary by the participating governing bodies. A joint administrative board, if authorized to employ and appoint a police chief, fire chief, or other police or fire officers, including detectives, shall only employ and appoint such officers on behalf of an individual township, qualified city, or village and does not constitute a new employer.

(4) The business that a joint administrative board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(5) 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, 1976 PA 442, MCL 15.231 to 15.246.

(6) As used in this section, "governing body" means the body in which the legislative powers of a township, village, or qualified city are vested.

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History: Add. 1982, Act 365, Eff. Mar. 30, 1983 ;-- Am. 1985, Act 170, Imd. Eff. Dec. 2, 1985 ;-- Am. 1988, Act 247, Imd. Eff. July 11, 1988 ;-- Am. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 2004, Act 464, Imd. Eff. Dec. 28, 2004 ;-- Am. 2006, Act 608, Imd. Eff. Jan. 3, 2007

41.812 Administrative board; appointment, qualifications, and terms of members; vacancy; expenses; continuation of prior administrative board; annual budget; powers and functions; section supplemental.

Sec. 12.

(1) The township board may create a police administrative board, a fire administrative board, or a police and fire administrative board. The board shall consist of 5 members, who shall be appointed by the township board for terms of 6 years each. Of the members first appointed, 2 shall be appointed for terms expiring on June 30 of the even numbered year following the creation of the board, 2 shall be appointed for terms expiring on June 30 of the second year following the expiration of the terms of the first 2 members, and 1 member shall be appointed for a term expiring June 30 of the fourth year following the expiration of the terms of the first 2 members. If a vacancy occurs, the township board shall appoint a person to fill the unexpired term.

(2) A member of the board shall not be a member of the police or fire department of the township.

(3) The members of the board may be compensated a per diem as determined by the township board and are entitled to actual and necessary expenses approved by the township board incurred in the performance of official duties.

(4) A police administrative board, a fire administrative board, or a police and fire administrative board created under former 1951 PA 57 shall be continued under this act.

(5) An administrative board created under this section shall prepare an annual police department budget or fire department budget, or both, to be submitted to the township board. The budget shall be reviewed by the township board and may be amended or altered in any manner. Upon adoption by the township board, the budget shall be the budget of the administrative board for the ensuing fiscal year of the township.

(6) The administrative board created under this section shall have the powers and perform the functions that the township board delegates to the administrative board.

(7) This section is supplemental to the other laws of this state.

History: Add. 1989, Act 81, Imd. Eff. June 20, 1989 ;-- Am. 2003, Act 291, Imd. Eff. Jan. 8, 2004

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41.813 Traffic officers; employment; compensation; joint meeting to appoint traffic officer.

Sec. 13.

By a majority vote of the township board at a regular or a special meeting called for that purpose, a township board may provide for the employment of 1 or more traffic officers in the township. The compensation of the officer or officers shall be paid from the general fund of the township. By a majority vote of all the township boards, 2 or more townships may appoint a traffic officer at a joint meeting of these township boards held for that purpose, and the proportion of the compensation of the traffic officer or officers to be paid by each of the townships shall be determined at this joint meeting.

History: Add. 1989, Act 81, Imd. Eff. June 20, 1989