

Adopting the Uniform Traffic Code

and Other Traffic Code Enforcement Statutes in Charter Townships

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Prepared by the
**Michigan Townships
Association**

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MTA Legal Counsel Overview

Recent Revisions Have Limited the Uniform Traffic Code's Application

The new Uniform Traffic Code promulgated by the Michigan State Police, which became effective October 30, 2002, rescinds a large portion of the former UTC promulgated by the State in 1981, including significant traffic offense provisions at the heart of most traffic prosecutions under local ordinances.

Many provisions of the UTC were removed because they mirrored existing provisions of the Michigan Vehicle Code (MVC), Public Act 300 of 1949 (MCL 275.1, *et seq.*). The now-shortened version of the UTC may require townships and other local governments to adopt new traffic ordinances relying less on the UTC (which is a set of rules promulgated by state agencies) and more on provisions of state law—primarily the MVC—adopted by reference.

It is the opinion of MTA Legal Counsel that it is advisable for each township with an existing traffic code ordinance to adopt a new ordinance consolidating the desired provisions into a single ordinance. For many townships, this new ordinance will include the new UTC and certain provisions of the MVC pertaining to offenses that are not addressed in the new UTC.

Other townships may wish to include in their traffic code ordinance certain other statutory provisions that may be particularly relevant in their communities, such as various provisions from the Natural Resources and Environmental Protection Act (NREPA), PA 451 of 1994, pertaining to the operation of off-road vehicles (Part 811, MCL 324.81101, *et seq.*) and snowmobiles (Part 821, MCL 324.82101, *et seq.*).

In each instance the UTC and statutory provisions are adopted by reference, pursuant to statutory authority. Because they are adopted by reference, the township's traffic ordinance does not include the text of the actual underlying provisions of the UTC, MVC or other statutes to be enforced. MTA Legal Counsel recommend that a township create a "master" copy of its traffic ordinance that includes the complete text of all the regulations and statutory provisions to be enforced. A copy of this "master" should be given to all law enforcement officers involved in enforcing the traffic ordinance (or at least the department), and MTA recommends that a copy should also be kept at the township office for reference, inspection and copying by township officials and the public. To facilitate enforcement, MTA recommends that the township coordinate with the district court regarding the distribution of copies to appropriate court officials.

MCL 42.23 requires charter townships to publish any provision of state law, technical regulations or recognized or unofficial standard code adopted by reference by providing to the public not less than 50 copies in book or booklet form available for public distribution at a reasonable charge. Note that a code can be a statute (such as the MVC) or a regulation (such as the UTC). Townships can access the text of all Michigan statutes online at: www.michiganlegislature.org. Regulations are available online at: www.michigan.gov/orr; click on "MI Admin Code."

Selection of Traffic Code Provisions

MTA Legal Counsel have spent a considerable amount of time reviewing the Michigan Vehicle Code to select the provisions that were candidates for inclusion in these sample township traffic code ordinances—as well as those provisions that have been excluded from the sample ordinances. For example, MTA has not knowingly included any reference to an offense provision designated as a felony, because of the doubtful authority for townships to prosecute such offenses under local ordinance. Other provisions have been excluded because they are not likely to arise with any frequency (or in some cases ever). There may be a handful of offense provisions retained in the new UTC that overlap in whole or in part MVC provisions included in the sample ordinances.

Severability Provision

Each of the sample ordinances includes a “severability” provision relating to the “maximum penalty” that may be determined by a court to be within the authority of a township to impose. There is a rather respectable legal argument supporting the contention that, under MCL 41.181(3) general law townships cannot enforce a penalty for an ordinance violation in excess of 90 days in jail and/or a \$500 fine. The language in the sample ordinances is intended to give a township prosecuting attorney something to “hang his/her hat on” if the maximum penalty issue arises, by advocating for the court to enforce the ordinance offense with the undisputed maximum possible penalty (instead of determining that the offense with the specified greater maximum penalty cannot be prosecuted at all under the local ordinance).

Section 23 of the Charter Township Act (MCL 42.23) specifically authorizes the adoption of “any provision of state law” as a township ordinance, without any limitation in that statutory provision similar to that in MCL 41.181(3).

Future Amendments

A final important legal issue is whether a township adopting any of these sample ordinances is required to amend the ordinance when the underlying UTC and/or statutory provisions are themselves amended in the future. In the opinion of MTA Legal Counsel, there is no clear legal authority for automatic updates of an ordinance adopting a code or statute by reference.

In the case of the Uniform Traffic Code, MCL 257.951 specifically authorizes the adoption by reference of “a code” that has been promulgated by the State Police. MCL 257.952 requires the ordinance to “clearly identify the code adopted by reference”. MCL 257.953 specifically addresses situations where the State Police amend the promulgated code and states that any city, township or village which has adopted such code by reference “may adopt such amendment by reference by the same procedure as required for the adoption of the original code”. This statutory language also appears verbatim in the new UTC at R 28.1905. Finally, it is noteworthy that legislation to allow an ordinance adopting the UTC to explicitly provide for future amendments to the UTC promulgated by the State to be “automatically incorporated in the ordinance” (Senate Bill No. 138) was introduced, but not adopted in the 2001-2002 legislative session.

MTA Legal Counsel are of the opinion that the current governing law does not provide any clear legal authority for a township (or a city or village) to adopt the new UTC with language automatically incorporating any amendments to the adopted UTC as such amendments are promulgated by the State in the future. The current governing law only authorizes adoption of a clearly identified code, such as the new UTC as it has been identified in the enclosed sample ordinances. As amendments of the identified UTC may be promulgated in the future by the State, such amendments must be adopted through the appropriate ordinance adoption procedures.

With respect to the provisions of the MVC and other state laws adopted by reference in the sample ordinances, there is some argument that a township ordinance adopting by reference specified provisions of, for example, the MVC, “as amended”, is sufficient to adopt the specified statutory provisions as they exist at the time of ordinance adoption and as such statutory provisions may be amended in the future. However, in the absence of a dispositive court case or new statutory language supporting this conclusion, as provisions of the MVC adopted by reference in a township traffic code ordinance are amended from time to time, it is recommended that townships adopt the amendments by reference through the appropriate ordinance adoption process. This would avoid the risk of cases being dismissed on the grounds that a traffic code ordinance was not properly amended to keep the ordinance provisions consistent with corresponding provisions of state law, as statutorily required.

Craig A. Rolfe, Esq.
Bauckham, Sparks, Rolfe, Lohrstorfer & Thall, P.C.
458 W. South Street, Kalamazoo, MI 49007
(269) 382-4500, Fax: (269) 382-2040
Attorneys for Michigan Townships Association

THE CHARTER TOWNSHIP ACT (EXCERPT)

Act 359 of 1947

MCL 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 §§ 750.497 and 750.498.

[Emphasis added]

MCL 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 257.954.

(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 or section 17766a of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

(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.
- (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.

MCL 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.

[Emphasis added]

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MTA Sample Ordinances: Charter Townships

MTA Legal Counsel have prepared two sample ordinances for charter townships to consider. Both versions are only samples, and each township board should carefully consider which provisions will be most effective and will most accurately reflect the needs of their community. The purpose of these sample ordinances is to provide a suggested guideline for the types of items that should be included within an ordinance. Certainly, no sample ordinance should be used unless, after careful review, it is the professional judgment of your legal counsel that using the sample will accomplish the particular objectives and intentions of your township, and in the case of traffic enforcement ordinances, after coordination with the law enforcement agency that will enforce the ordinance. Although these sample ordinances are the result of much thought and effort, neither the author nor the Michigan Townships Association assumes any responsibility for the results of using these samples word-for-word in individual cases.

These sample ordinances include the necessary references throughout to the “charter” township; the inclusion in the preamble paragraph of appropriate statutory authority unique to charter townships (from the Charter Township Act); language providing for the ordinance to take effect upon publication, as specifically allowed by the Charter Township Act (instead of 30 days after publication as required for general law township ordinances imposing a penalty); and the addition of a place for the Supervisor as well as the Clerk to authenticate the ordinance, as required by the Charter Township Act.

Basic Model Traffic Code Ordinance (No. 1)

The first sample ordinance, designated “No. 1” is intended to serve as a “basic” ordinance for a charter township. This ordinance is intended for charter townships desiring a comprehensive traffic code ordinance, but without including provisions from NREPA pertaining specifically to off-road vehicles and snowmobiles. This ordinance therefore adopts by reference the new UTC, and the provisions of the MVC that MTA Legal Counsel believe are appropriately included in a comprehensive “basic” traffic code ordinance. Since the frequently-cited offense of “No Insurance” is not included in the new UTC, and exists statutorily in the Michigan Insurance Code, not the MVC, this “basic” ordinance also adopts by reference the relevant provision from the Insurance Code.

Basic Model PLUS Traffic Code Ordinance (No. 2)

Sample ordinance “No. 2” includes the same content as the “basic” ordinance for a charter township (No. 1) plus the provisions from NREPA specifically pertaining to off-road vehicles and snowmobiles, and a provision from the Liquor Control Act pertaining to minors in possession of alcoholic beverages, commonly known as “minor in possession” or simply MIP. Please note that this MIP offense is not restricted to vehicular situations. However, this offense does often arise in a vehicular context as well as in non-vehicular situations, and perhaps for that reason seems to be commonly included in most existing township traffic code ordinances. Accordingly, townships should give some thought to whether the MIP provisions should be included in the “basic” sample ordinance (No. 1).

MTA Basic Model Traffic Code Ordinance (No. 1, Charter Township)

CHARTER TOWNSHIP OF _____

COUNTY OF _____, STATE OF MICHIGAN

_____ CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

_____ CHARTER TOWNSHIP TRAFFIC CODE ORDINANCE

An Ordinance enacted pursuant to MCL 257.951-257.955 and MCL 42.15, 42.23 and 41.181 to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002, and to adopt by reference certain state laws; and to repeal all ordinances or parts of ordinances in conflict herewith.

CHARTER TOWNSHIP OF _____

_____ COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance and the provisions of the Uniform Traffic Code and state laws adopted by reference herein shall be collectively known and may be cited as the “_____ Charter Township Traffic Code Ordinance”.

SECTION II

ADOPTION OF UNIFORM TRAFFIC CODE BY REFERENCE

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002 is hereby adopted by reference. All references in said Uniform Traffic Code to a “governmental unit” shall mean the Charter Township of _____.

SECTION III

ADOPTION OF PROVISIONS OF MICHIGAN VEHICLE CODE BY REFERENCE

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 et seq.) are hereby adopted by reference:

- A. Chapter I (Words and Phrases Defined): MCL 257.1-257.82
- B. Chapter II (Administration, Registration): MCL 257.223, 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- C. Chapter III (Operator's and Chauffeur's License): MCL 257.301, 257.310e, 257.311, 257.312, 257.312a, 257.324, 257.325, 257.326, 257.328.
- D. Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.628 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e, 257.716-257.724.
- E. Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e, 257.905.

SECTION IV

ADOPTION OF OTHER STATE LAWS BY REFERENCE

The following provisions of state law are hereby adopted by reference:

- A. Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).

SECTION V

PENALTIES

The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

SECTION VI

SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

SECTION VII

REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE

This ordinance shall take effect upon publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

Clerk, Charter Township of _____

Supervisor, Charter Township of _____

MTA Legal Counsel have prepared this sample ordinance for charter townships to carefully consider which provisions will be most effective and will most accurately reflect the needs of their community. The purpose of this sample ordinance is to provide a suggested guideline for the types of items that should be included within an ordinance. Certainly, no sample ordinance should be used unless, after careful review, it is the professional judgment of your legal counsel that using the sample will accomplish the particular objectives and intentions of your township, and in the case of traffic enforcement ordinances, after coordination with the law enforcement agency that will enforce the ordinance. Although these sample ordinances are the result of much thought and effort, neither the author nor the Michigan Townships Association assumes any responsibility for the results of using these samples word-for-word in individual cases.

MTA Basic PLUS Model Traffic Code Ordinance

(No. 2, Charter Township)

CHARTER TOWNSHIP OF _____

COUNTY OF _____, STATE OF MICHIGAN

_____ CHARTER TOWNSHIP ORDINANCE NO. _____

Adopted: _____

Effective: _____

_____ **CHARTER TOWNSHIP TRAFFIC CODE ORDINANCE**

An Ordinance enacted pursuant to MCL 257.951-257.955 and MCL 42.15, 42.23 and 41.181 to adopt by reference the Uniform Traffic Code for Michigan Cities, Townships and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002, and to adopt by reference certain state laws; and to repeal all ordinances or parts of ordinances in conflict herewith.

CHARTER TOWNSHIP OF _____

_____ COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance and the provisions of the Uniform Traffic Code and state laws adopted by reference herein shall be collectively known and may be cited as the “_____ Charter Township Traffic Code Ordinance”.

SECTION II

ADOPTION OF UNIFORM TRAFFIC CODE BY REFERENCE

The Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended (MCL 24.201 et seq) and made effective October 30, 2002 is hereby adopted by reference. All references in said Uniform Traffic Code to a “governmental unit” shall mean the Charter Township of _____.

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ADOPTION OF PROVISIONS OF MICHIGAN VEHICLE CODE BY REFERENCE

The following provisions of the Michigan Vehicle Code, 1949 Public Act 300, as amended (MCL 257.1 et seq.) are hereby adopted by reference:

- A. Chapter I (Words and Phrases Defined): MCL 257.1-257.82
- B. Chapter II (Administration, Registration): MCL 257.223, 257.225, 257.228, 257.243, 257.244, 257.255, 257.256.
- C. Chapter III (Operator’s and Chauffeur’s License): MCL 257.310e, 257.311, 257.312, 257.312a, 257.324, 257.325, 257.326, 257.328.
- D. Chapter VI (Obedience to and Effect of Traffic Laws): MCL 257.601-257.601b, 257.602-257.606, 257.611-257.616, 257.617a-257.622, 257.624a-257.624b, 257.625 (except felony provisions), 257.625a, 257.625m, 257.626-257.626b, 257.627-257.627b, 257.629b, 257.631-257.632, 257.634-257.645, 257.647-257.655, 257.656-257.662, 257.667-257.675d, 257.676-257.682b, 257.683-257.710e, 257.716-257.724.
- E. Chapter VIII (License Offenses): MCL 257.904-257.904a, 257.904e, 257.905.

SECTION IV

ADOPTION OF OTHER STATE LAWS BY REFERENCE

The following provisions of state law are hereby adopted by reference:

- A. Section 3102 of the Michigan Insurance Code of 1956, 1956 Public Act 218, as amended, pertaining to required insurance (MCL 500.3102).
- B. Subchapter 6 of Part 811 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, pertaining to off-road vehicles (MCL 324.81101-324.81147).
- C. Part 821 of the Natural Resources and Environmental Protection Act, 1994 Public Act 451, as amended, pertaining to snowmobiles (MCL 324.82101-324.82158).
- D. Section 703 of the Michigan Liquor Control Act, 1998 Public Act 58, as amended, pertaining to minors and alcoholic liquor (MCL 436.1703)

SECTION V

PENALTIES

The penalties provided by the Uniform Traffic Code and the provisions of the state laws hereinabove adopted by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Ordinance.

SECTION VI

SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance or the Uniform Traffic Code or a statutory provision adopted by reference herein to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision; provided that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

SECTION VII

REPEAL OF CONFLICTING PROVISIONS AND EFFECTIVE DATE

This ordinance shall take effect upon publication as required by law. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an Ordinance provision repealed by this Ordinance shall continue under the Ordinance provision then in effect.

Clerk, Charter Township of _____

Supervisor, Charter Township of _____

MTA Legal Counsel have prepared this sample ordinance for charter townships to carefully consider which provisions will be most effective and will most accurately reflect the needs of their community. The purpose of this sample ordinance is to provide a suggested guideline for the types of items that should be included within an ordinance. Certainly, no sample ordinance should be used unless, after careful review, it is the professional judgment of your legal counsel that using the sample will accomplish the particular objectives and intentions of your township, and in the case of traffic enforcement ordinances, after coordination with the law enforcement agency that will enforce the ordinance. Although these sample ordinances are the result of much thought and effort, neither the author nor the Michigan Townships Association assumes any responsibility for the results of using these samples word-for-word in individual cases.

CHECKLIST OF STEPS FOR ENACTMENT OF NONZONING ORDINANCE (Charter Township)

___ 1. Determine whether Township has authority to enact ordinance regarding specific subject matter.

___ 2. INTRODUCE complete text of the proposed ordinance at Township Board meeting in written or printed form.

___ 3. PUBLISH or POST the complete text of the proposed ordinance as it is introduced, indicating when it will be considered for adoption.

A. For PUBLICATION option:

1) Publish the complete text of the proposed ordinance as it was introduced at least one time in a newspaper circulating in the Township.

B. For POSTING option:

1) Post the complete text of the proposed ordinance as it was introduced at the Township Clerk's office and at five other locations in the Township; and

2) Publish a notice of the posting at least once in a newspaper circulating in the Township within seven days after the posting was done. The notice of posting must describe the purpose or nature of the proposed ordinance and identify the locations in the Township where the complete text of the proposed ordinance was posted.

___ 4. FILE AFFIDAVIT OF PUBLICATION from newspaper and/or affidavit of posting in Township ordinance records.

___ 5. ADOPT ORDINANCE by motion approved by majority of Township Board members voting, on roll call vote, at any regular meeting or proper special meeting (minutes of meeting must reflect decision and vote).

___ 6. PUBLISH complete ordinance or legally proper summary of ordinance as adopted, or POST complete ordinance as adopted, within 30 days after adoption.

A. For PUBLICATION option:

1) Publish complete ordinance as adopted, or summary of ordinance, in newspaper circulating in Township within 30 days after adoption. Each section of ordinance must be preceded by "catch line".

If summary of ordinance is published:

- 1) It may be prepared by the person who drafted the ordinance or by the Township Board (or attorney).
- 2) It must be written in clear and non-technical language.
- 3) Each section must be preceded by a “catch line”.
- 4) It must designate the location in the Township where a true copy of the complete ordinance can be inspected or obtained.

B. For POSTING option:

- 1) Post the complete text of the ordinance as adopted at the Township Clerk’s office and at five other locations in the Township; and
- 2) Publish a notice of the posting at least once in a newspaper circulating in the Township within seven days after the posting was done. The notice of posting must describe the purpose or nature of the ordinance and identify the locations in the Township where the complete ordinance was posted.

___ 7. FILE AFFIDAVIT OF PUBLICATION from newspaper and/or affidavit of posting in Township ordinance records.

___ 8. FILE ATTESTED COPY OF ORDINANCE WITH COUNTY CLERK within one week after publication/posting (not required if Township office is open to the public during regular hours on each business day).

___ 9. RECORD COMPLETE ORDINANCE in Township book of ordinances within one week after publication/posting, with Certificate of Township Clerk recording date of adoption of ordinance, names of Board members voting thereon, how each member voted, date of publication/posting and name of newspaper, and (where applicable) date of filing of ordinance with County Clerk.

___ 10. AUTHENTICATE THE RECORD by Supervisor and Township Clerk signing the ordinance Certificate.

___ 11. DISTRIBUTE copies of new ordinance to appropriate Township officials.

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