

Revised Statutes of 1846 (EXCERPT)
R.S. of 1846

CHAPTER 16

Chapter 16. Of the powers and duties of townships, the election and duties of township officers, and the division of townships.

41.1 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed section pertained to township boundaries.

41.1a 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 192, Imd. Eff. June 27, 1988.

41.1b Definitions.

Sec. 1b. As used in this act:

- (a) "Officer" means a supervisor, treasurer, clerk, or trustee.
- (b) "Supervisor" means the supervisor of a township elected under chapter XVI of the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.341 to 168.373 of the Michigan Compiled Laws.
- (c) "Township board" means the township board of a township constituted as provided in section 70.
- (d) "Clerk" means the clerk of a township elected under chapter XVI of Act No. 116 of the Public Acts of 1954.
- (e) "Treasurer" means the treasurer of a township elected under chapter XVI of Act No. 116 of the Public Acts of 1954.
- (f) "Trustee" means a trustee of a township elected under chapter XVI of Act No. 116 of the Public Acts of 1954.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

Powers and Duties of Townships.

41.2 Inhabitants of organized township as body corporate; powers and duties generally; acquisition of property for public purposes; suit, act, or proceeding; supervisor as agent.

Sec. 2. (1) The inhabitants of an organized township are a body corporate and have, in addition to other powers that are conferred, all of the following powers and duties:

- (a) To sue and be sued and appoint necessary agents and attorneys for that purpose.
 - (b) To make contracts necessary and convenient for the exercise of their corporate powers.
- (2) In addition to other powers that are conferred, the township board may investigate any matter that is under the jurisdiction of the township and the authority vested in the township or an officer under this act. The supervisor or the township board by majority consent of the township board members serving may serve upon a person a subpoena that has been authorized by a court of proper jurisdiction in the county in which the township is situated compelling the person to appear before the board or a committee of the board to be examined under oath or to produce a document or object for inspection or copying. If a person objects to or otherwise fails to comply with the subpoena served upon him or her, the supervisor or the township board by majority consent of the township board members may file in that court an action to enforce the notice. The court may issue an order requiring the person to appear to be examined or to produce a document or object for inspection or copying. Failure to obey the order of the court is punishable by the court as a contempt.
- (3) By resolution of the township board, a majority of the members serving may acquire property for public purposes by purchase, gift, condemnation, lease, construction, or otherwise and may convey or lease that property or part of that property not needed for public purposes.
- (4) A suit, act, or proceeding, by or against a township, in its corporate capacity, shall be in the name of the township. The supervisor of each township shall be the agent for his or her township for the transaction of legal business, by whom a suit may be brought and defended, and upon whom process against the township shall be served.

History: R.S. 1846, Ch. 16;—CL 1857, 494;—CL 1871, 637;—How. 670;—CL 1897, 2268;—CL 1915, 2047;—CL 1929, 957;—
Rendered Wednesday, December 4, 2013

CL 1948, 41.2;—Am. 1988, Act 117, Imd. Eff. May 2, 1988;—Am. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 1992, Act 16, Imd. Eff. Mar. 16, 1992.

41.3 Power to grant and vote sums of money; purpose; creation of debt or liability.

Sec. 3. The inhabitants of a township shall have the power, by a vote of the registered electors of the township, to grant and vote sums of money, not exceeding amounts limited by law, that they consider necessary for defraying proper charges and expenses arising in the township. The township board or a township officer shall not create a debt or liability against the township, or issue a warrant, certificate, or order for the payment of money, unless the creation of the debt or liability or the payment of the money has been authorized by vote of the registered electors of the township or by law.

History: R.S. 1846, Ch. 16;—CL 1857, 495;—CL 1871, 638;—Am. 1875, Act 212, Eff. Aug. 3, 1875;—How. 671;—Am. 1887, Act 61, Imd. Eff. Apr. 9, 1887;—CL 1897, 2269;—Am. 1909, Act 62, Eff. Sept. 1, 1909;—Am. 1915, Act 43, Imd. Eff. Apr. 7, 1915;—CL 1915, 2048;—Am. 1919, Act 89, Eff. Aug. 14, 1919;—CL 1929, 958;—Am. 1931, Act 152, Eff. Sept. 18, 1931;—Am. 1947, Act 75, Imd. Eff. May 7, 1947;—CL 1948, 41.3;—Am. 1964, Act 72, Eff. Aug. 28, 1964;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.3a Minimum staffing requirement; adoption of ordinance prohibited.

Sec. 3a. Beginning on the effective date of the amendatory act that added this section, a township board shall not adopt an ordinance that includes any minimum staffing requirement for township employees. Except as otherwise provided in this section, any provision in a township ordinance adopted by a township board on or after the effective date of the amendatory act that added this section that contains a minimum staffing requirement for township employees is void and unenforceable.

History: Add. 2011, Act 138, Imd. Eff. Sept. 13, 2011.

41.4-41.7 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed sections pertained to power to make orders and bylaws, and to regulation of conduct on bridges.

Township Meetings.

41.8 Annual meeting of electors of township; time and place; conducting business at public meeting; public notice; transaction of business; resolution or petition submitting question of reestablishment of annual meeting to electors; signatures; abolition of annual meeting; township not required to hold annual meeting; exception; exercise of powers.

Sec. 8. (1) Except as otherwise provided in this section, an annual meeting of the electors of each township shall be held on the last Saturday in the last month of each fiscal year, at the time and place selected by the township board. However, the annual meeting may be held on an alternate date if the alternate date is approved by a majority of the township board and is in the last month of the township's fiscal year.

(2) The business performed at a meeting of the electors of a township shall be conducted at a public meeting held in compliance with the open meetings act, 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 by the township clerk in the manner required by Act No. 267 of the Public Acts of 1976, as amended, and as provided by section 2 of Act No. 43 of the Public Acts of the Second Extra Session of 1963, being section 141.412 of the Michigan Compiled Laws, except as provided in subsection (3).

(3) In a township having less than 200 registered electors, the township board may provide that notice need not be given as provided in section 2 of Act No. 43 of the Public Acts of the Second Extra Session of 1963, but shall be posted in 3 of the most public places of the township.

(4) The electors meeting at the place designated shall transact lawful business by majority vote.

(5) In a township other than a charter township, the township board, by resolution, may, or on the filing of petitions signed by a number of registered electors of the township equal to not less than 5% of the electors who voted for township supervisor at the immediately preceding township supervisor election of the township, shall, submit the question of the reestablishment of the annual meeting of the electors to the electors of the township at the next regular primary election or general election. The resolution or petitions shall be filed with the township clerk not less than 70 days before the election at which the question is submitted. If a majority of the electors of the township voting on the question votes to reestablish the annual meeting of the electors, the annual meeting of the electors is reestablished for that township, and the electors at the annual meeting shall reassume powers conferred by statute. Once the annual meeting has been reestablished by a vote of the people, the annual meeting may only be abolished by a resolution of the township board submitting the question of the abolition of the annual meeting to the electors of the township at the next regular primary or general election.

(6) Except as provided in subsection (5), a township is not required to hold an annual meeting of the

electors of the township unless the township board, by resolution, elects to hold an annual meeting.

(7) In a township that does not hold an annual meeting, powers that could have been exercised by the electors at an annual meeting may be exercised by the township board.

History: R.S. 1846, Ch. 16;—CL 1857, 500;—CL 1871, 643;—Am. 1875, Act 42, Imd. Eff. Mar. 20, 1875;—Am. 1881, Act 158, Eff. July 1, 1881;—How. 677;—CL 1897, 2275;—Am. 1909, Act 66, Eff. Sept. 1, 1909;—CL 1915, 2054;—CL 1929, 963;—Am. 1944, 1st Ex. Sess., Act 16, Imd. Eff. Feb. 19, 1944;—CL 1948, 41.8;—Am. 1956, Act 105, Eff. Aug. 11, 1956;—Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977;—Am. 1978, Act 596, Imd. Eff. Jan. 4, 1979;—Am. 1980, Act 378, Imd. Eff. Jan. 2, 1981;—Am. 1982, Act 363, Eff. Mar. 30, 1983;—Am. 1984, Act 106, Imd. Eff. May 24, 1984;—Am. 1988, Act 187, Imd. Eff. June 27, 1988;—Am. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 1990, Act 101, Imd. Eff. June 14, 1990.

41.9 Violation of MCL 168.1 to 168.992 applicable to petitions; penalties.

Sec. 9. A petition under section 8 or 95, 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 143, Eff. Mar. 23, 1999.

41.11 Repealed. 1954, Act 116, Eff. June 1, 1955.

Compiler's note: The repealed section provided for election and term of justices of peace.

41.13 Repealed. 1971, Act 43, Eff. Mar. 30, 1972.

Compiler's note: The repealed section pertained to terms of school inspectors.

41.15 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed section pertained to filling vacancy in office.

41.16 Township meetings; place.

Sec. 16. The annual and special township meetings of the electors shall be held at the place stated in the act or proceedings by which the township was organized or at another place designated by the township board.

History: R.S. 1846, Ch. 16;—CL 1857, 508;—CL 1871, 651;—How. 687;—CL 1897, 2286;—CL 1915, 2065;—CL 1929, 971;—CL 1948, 41.16;—Am. 1956, Act 105, Eff. Aug. 11, 1956;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.17, 41.18 Repealed. 1956, Act 105, Eff. Aug. 11, 1956.

Compiler's note: The repealed sections provided for adjournment of township meetings and notice of place for adjourned meeting.

41.19 Township meetings; adjournment.

Sec. 19. An annual or special meeting of the electors may, by a majority vote of the electors attending the meeting, be adjourned to another day, and from time to time, for the purpose of transacting any proper business of the township.

History: R.S. 1846, Ch. 16;—CL 1857, 511;—CL 1871, 654;—How. 690;—CL 1897, 2289;—CL 1915, 2068;—CL 1929, 974;—CL 1948, 41.19;—Am. 1956, Act 105, Eff. Aug. 11, 1956;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.20 First township meeting; date.

Sec. 20. The first township meeting of the electors after the organization of the township shall be held on the Saturday immediately preceding the first Monday in April following the organization.

History: R.S. 1846, Ch. 16;—CL 1857, 512;—CL 1871, 655;—How. 691;—CL 1897, 2290;—CL 1915, 2069;—CL 1929, 975;—Am. 1944, 1st Ex. Sess., Act 16, Imd. Eff. Feb. 19, 1944;—CL 1948, 41.20;—Am. 1956, Act 105, Eff. Aug. 11, 1956;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Former law: See section 1 of Act 21 of 1839.

41.21 First township meeting; choosing moderator, clerk, and inspectors; oath; conduct of proceedings.

Sec. 21. At the first township meeting of the electors in any township, the registered electors present, between the hours of 9 and 10 a.m., shall choose 1 of their number as moderator, 1 of their number as clerk, and 2 others of their number as inspectors, who shall take the oath of office prescribed by section 1 of article XI of the state constitution of 1963, and shall conduct the proceedings of the meeting in all respects as other township meetings of the electors are required by law to be conducted.

History: R.S. 1846, Ch. 16;—CL 1857, 513;—CL 1871, 656;—How. 692;—CL 1897, 2291;—CL 1915, 2070;—CL 1929, 976;—

CL 1948, 41.21;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: In this section, “the twelfth article of the constitution” refers to the Constitution of 1835. See now Const. 1963, Art. XI, § 1.

Former law: See section 2 of Act 21 of 1839.

41.22 First township meeting; failure to hold; notice of subsequent meeting.

Sec. 22. If the electors of a newly organized township fail to hold their first township meeting on the day specified by section 20, any 3 electors of the township may call a meeting of the electors of the township, for a township election, at any time thereafter, by posting notices of the meeting in not less than 3 public places in the township, at least 10 days prior to the holding of the meeting.

History: R.S. 1846, Ch. 16;—CL 1857, 514;—CL 1871, 657;—How. 693;—CL 1897, 2292;—CL 1915, 2071;—CL 1929, 977;—CL 1948, 41.22;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Former law: See section 3 of Act 21 of 1839.

41.23 First township meeting; oaths of office, administration.

Sec. 23. At such first township meeting, the moderator shall administer the oath of office to the other inspectors, and either of the other inspectors, after having been so qualified, may administer the like oath to the moderator.

History: R.S. 1846, Ch. 16;—CL 1857, 515;—CL 1871, 658;—How. 694;—CL 1897, 2293;—CL 1915, 2072;—CL 1929, 978;—CL 1948, 41.23.

Former law: See section 4 of Act 21 of 1839.

41.24 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed section pertained to special township meetings to fill vacancies.

41.25 Special township meeting; purpose; order.

Sec. 25. A special township meeting of the electors shall also be held for the purpose of transacting any other lawful business, if ordered by the township board. The township board may order such a meeting on its own initiative and shall order a meeting if they receive a request in writing, signed by any 12 electors of the township or 1% of the registered electors in the township, whichever is greater, specifying the purposes for which the meeting is to be held. The manner of proceeding at a special meeting of the electors shall be the same as at the annual meeting of the electors.

History: R.S. 1846, Ch. 16;—CL 1857, 517;—CL 1871, 660;—How. 696;—CL 1897, 2295;—CL 1915, 2074;—CL 1929, 980;—CL 1948, 41.25;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.26 Special township meeting; contents of order; order as part of minutes.

Sec. 26. An order for a special township meeting of the electors pursuant to section 25 shall specify the purpose for which it is to be held, and the time and the place where it shall be held. If any vacancies in office are to be filled at the special meeting, the order shall state in what offices vacancies exist, how they occurred, and who were the last incumbents. An order for a special township meeting of the electors shall be part of the minutes of the township board proceedings.

History: R.S. 1846, Ch. 16;—CL 1857, 518;—CL 1871, 661;—How. 697;—CL 1897, 2296;—CL 1915, 2075;—CL 1929, 981;—CL 1948, 41.26;—Am. 1983, Act 40, Imd. Eff. May 12, 1983;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.27 Special township meeting; time.

Sec. 27. The time appointed for holding a special township meeting of the electors shall be not more than 20 nor less than 15 days from the time the township board orders the holding of a special township meeting of the electors.

History: R.S. 1846, Ch. 16;—CL 1857, 519;—CL 1871, 662;—How. 698;—CL 1897, 2297;—CL 1915, 2076;—CL 1929, 982;—CL 1948, 41.27;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.28 Special township meeting; posting and publishing copies of order.

Sec. 28. The township clerk, within 2 days after receiving an order for a special township meeting of the electors, shall cause copies post copies of the order in 3 of the most public places in the township, and if there is a newspaper printed in the township, he or she shall also publish a copy of the order in that newspaper, if practicable, at least 5 days before the day appointed for the special township meeting of the electors.

History: R.S. 1846, Ch. 16;—CL 1857, 520;—CL 1871, 663;—How. 699;—CL 1897, 2298;—CL 1915, 2077;—CL 1929, 983;—CL 1948, 41.28;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: In this section, the words “shall cause copies post copies” evidently should read “shall post copies.”

41.29 Repealed. 1956, Act 105, Eff. Aug. 11, 1956.

Compiler's note: The repealed section provided that no notice of annual township meetings shall be necessary.

Township Officers.

41.46, 41.47 Repealed. 1954, Act 116, Eff. June 1, 1955.

Compiler's note: The repealed sections required township officers to file oath of office, and clerk to give notice of election.

41.48-41.54 Repealed. 1974, Act 26, Imd. Eff. Feb. 26, 1974.

Compiler's note: The repealed sections pertained to justices of the peace.

41.55 Repealed. 1983, Act 40, Imd. Eff. May 12, 1983.

Compiler's note: The repealed section pertained to failure of township officer to take and subscribe oath of office or to file bond or security.

Resignations, Vacancies and Supplying Vacancies.

41.56 Resignations of officers.

Sec. 56. Resignations of all officers shall be in writing, signed by the officer resigning, and addressed to the township board and shall be delivered to and filed by the township clerk. The resignation shall be effective when accepted by the township board.

History: R.S. 1846, Ch. 16;—CL 1857, 548;—CL 1871, 691;—How. 727;—CL 1897, 2326;—CL 1915, 2105;—CL 1929, 995;—CL 1948, 41.56;—Am. 1983, Act 40, Imd. Eff. May 12, 1983;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.57 Township office; events creating vacancy.

Sec. 57. Every township office shall become vacant upon the happening of any of the events specified in section 3 of chapter 15 of the Revised Statutes of 1846, being section 201.3 of the Michigan Compiled Laws, as creating a vacancy.

History: R.S. 1846, Ch. 16;—CL 1857, 549;—CL 1871, 692;—How. 728;—CL 1897, 2327;—CL 1915, 2106;—CL 1929, 996;—CL 1948, 41.57;—Am. 1983, Act 40, Imd. Eff. May 12, 1983.

41.58 Disability of incumbent or incumbent's deputy; temporary appointment.

Sec. 58. If, because of disabilities, the incumbent in a township office and the incumbent's deputy are unable to perform the duties of their offices, the township board may make a temporary appointment of a suitable person to discharge the duties of the incumbent's office. The person so appointed shall take the oath of office or give bond as required by law and shall continue to discharge such duties until the office is filled by election or permanent appointment or until the disability of the incumbent or the incumbent's deputy is removed.

History: R.S. 1846, Ch. 16;—CL 1857, 550;—CL 1871, 693;—How. 729;—CL 1897, 2328;—CL 1915, 2107;—CL 1929, 997;—CL 1948, 41.58;—Am. 1983, Act 40, Imd. Eff. May 12, 1983;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Former law: See section 35 of Act 18 of 1843.

41.59 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed section pertained to vacancies in office of township treasurer.

Supervisor.

41.60 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed section pertained to prosecution of penalties and forfeitures by township supervisor.

41.61 Supervisor as chief assessor; additional assessors; certification; depositing rolls with supervisor; supervisor as secretary of board of review; deputy township supervisor.

Sec. 61. (1) The supervisor of each township is the chief assessor of the township. The township board may provide for the appointment of additional assessors. If the supervisor is not certified at the proper level, the township board shall provide for the appointment of properly certified assessors. The assessors so appointed shall receive compensation allowed by the township board. If assessors are appointed pursuant to this section, the supervisor shall be the chief assessing officer and the assessors shall be subordinate to the supervisor. Upon completion of the assessment and the making of the rolls, the rolls shall be deposited with the supervisor. The supervisor shall be secretary of the board of review.

(2) The township supervisor may appoint a deputy township supervisor, who shall serve at the pleasure of

the supervisor. The deputy shall take an oath of office and file the oath with the township clerk. In case of the absence, sickness, death, or other disability of the supervisor, the deputy shall possess the powers and perform the duties of the supervisor, except the deputy shall not have a vote on the township board. The deputy shall be paid by salary or otherwise as the township board determines appropriate. With the approval of the supervisor, the deputy may assist the supervisor in the performance of the supervisor's duties at any additional times agreed upon between the township board and the supervisor, except the deputy shall not have a vote on the township board.

History: R.S. 1846, Ch. 16;—CL 1857, 553;—CL 1871, 697;—How. 733;—CL 1897, 2332;—Am. 1913, Act 347, Eff. Aug. 14, 1913;—CL 1915, 2111;—Am. 1919, Act 89, Eff. Aug. 14, 1919;—Am. 1919, Act 355, Eff. Aug. 14, 1919;—CL 1929, 1000;—Am. 1935, Act 64, Eff. Sept. 21, 1935;—CL 1948, 41.61;—Am. 1957, Act 104, Eff. Sept. 27, 1957;—Am. 1982, Act 230, Imd. Eff. Sept. 16, 1982;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.61a Township appraisal; employment of independent appraisal firm.

Sec. 61a. Any township board may employ an independent appraisal firm to make a township-wide appraisal or to assist the supervisor as directed and authorized by the board in performing his assessing duties. Such appraisal firm shall be paid out of the general fund of the township.

History: Add. 1958, Act 6, Eff. Sept. 13, 1958.

41.62 Books, assessment rolls, and other papers; preservation; delivery to successor in office; availability to public.

Sec. 62. The supervisor shall preserve and keep the books, assessment rolls, and other papers belonging to the supervisor's office in a safe and suitable place, but not where the books, assessment rolls, and other papers will be exposed to an unusual hazard from fire or theft. The supervisor shall deliver the books, assessment rolls, and other papers on demand to his or her successor in office. The books, assessment rolls, papers, and any other writing prepared, owned, used, in the possession of, or retained by the supervisor 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.

History: R.S. 1846, Ch. 16;—CL 1857, 554;—CL 1871, 698;—Am. 1875, Act 178, Imd. Eff. May 1, 1875;—How. 734;—CL 1897, 2333;—CL 1915, 2112;—CL 1929, 1001;—CL 1948, 41.62;—Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.63-41.64a Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed sections pertained to attendance at meetings by township supervisor, reports to township board, and township supervisor as agent for legal township business.

41.64b Statements to supervisor; oath; oath of office.

Sec. 64b. (1) The supervisor of a township may place a person under oath on any of his or her statements made to the supervisor in his or her official capacity as supervisor.

(2) The supervisor of a township may administer the oath of office as provided in section 1 of article XI of the state constitution of 1963 to township officers.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 2012, Act 420, Imd. Eff. Dec. 21, 2012.

Township Clerk.

41.65 Custody of records, books, and papers; preservation; delivery to successor in office; accounts; accounting records; journals and ledgers.

Sec. 65. The township clerk of each township shall have custody of all the records, books, and papers of the township, when no other provision for custody is made by law. The township clerk shall file and safely keep all certificates of oaths and other papers required by law to be filed in his or her office, and shall record those items required by law to be recorded. These records, books, and papers shall not be kept where they will be exposed to an unusual hazard of fire or theft. The township clerk shall deliver the records, books, and papers on demand to his or her successor in office. The township clerk shall also open and keep an account with the treasurer of the township, and shall charge the treasurer with all funds that come into the treasurer's hands by virtue of his or her office, and shall credit him or her with all money paid out by the treasurer on the order of the proper authorities of the township, and shall enter the date and amount of all vouchers in a book kept by the township clerk in the office. The township clerk shall also open and keep a separate account with each fund belonging to the township, and shall credit each fund with the amounts that properly belong to it, and shall charge each fund with warrants drawn on the township treasurer and payable from that fund. The

township clerk shall be responsible for the detailed accounting records of the township utilizing the uniform chart of accounts prescribed by the state treasurer. The township clerk shall prepare and maintain the journals and ledgers necessary to reflect the assets, liabilities, fund equities, revenues, and expenditures for each fund of the township.

History: R.S. 1846, Ch. 16;—Am. 1850, Act 66, Imd. Eff. Mar. 5, 1850;—CL 1857, 557;—CL 1871, 701;—Am. 1875, Act 178, Imd. Eff. May 1, 1875;—How. 739;—CL 1897, 2338;—CL 1915, 2117;—CL 1929, 1005;—CL 1948, 41.65;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.66 Book of records; transcription of minutes of township meeting; entering order, direction, or rule; availability of book and other writings to public.

Sec. 66. The township clerk shall transcribe, in the book of records of the township, the minutes of the proceedings of each township meeting held in the township, and shall enter in the book, each order, direction, or rule made by the township meeting. The book and any other writing prepared, owned, used, in the possession of, or retained by the township clerk in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976.

History: R.S. 1846, Ch. 16;—CL 1857, 558;—CL 1871, 702;—How. 740;—CL 1897, 2339;—CL 1915, 2118;—CL 1929, 1006;—CL 1948, 41.66;—Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977.

41.67 Return to county clerks of names and addresses of officers elected or appointed.

Sec. 67. The township clerk of each township, and the city clerk of each city, shall, immediately after the qualifying of the officers elected or appointed in their respective townships and cities, return to the clerks of their respective counties the names and addresses of all such officers.

History: R.S. 1846, Ch. 16;—CL 1857, 559;—Am. 1869, Act 103, Eff. July 5, 1869;—CL 1871, 703;—Am. 1873, Act 53, Imd. Eff. Mar. 27, 1873;—How. 741;—Am. 1885, Act 55, Imd. Eff. Apr. 23, 1885;—CL 1897, 2340;—CL 1915, 2119;—CL 1929, 1007;—CL 1948, 41.67;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.68 Repealed. 1974, Act 26, Imd. Eff. Feb. 26, 1974.

Compiler's note: The repealed section pertained to notice of election of justice of the peace.

41.69 Township clerk; bond; deputy.

Sec. 69. Each township clerk, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with sureties that the township board requires and approves, conditioned for the faithful discharge of the duties of the office according to law, including the safekeeping of the records, books, and papers of the township in the manner required by law, and for their delivery on demand to the township clerk's successor in office. The bond shall be filed in the office of the supervisor. The township clerk shall appoint a deputy, who shall serve at the pleasure of the clerk. The deputy shall take an oath of office and file the oath with the clerk. In case of the absence, sickness, death, or other disability of the clerk, the deputy shall possess the powers and perform the duties of the clerk, except the deputy shall not have a vote on the township board. The deputy shall be paid by salary or otherwise as the township board determines. With the approval of the township clerk, the deputy may assist the township clerk in the performance of the township clerk's duties at any additional times agreed upon between the board and the clerk, except the deputy shall not have a vote on the township board.

History: R.S. 1846, Ch. 16;—CL 1857, 561;—CL 1871, 705;—Am. 1875, Act 178, Imd. Eff. May 1, 1875;—How. 743;—CL 1897, 2342;—CL 1915, 2121;—CL 1929, 1009;—CL 1948, 41.69;—Am. 1977, Act 33, Imd. Eff. June 22, 1977;—Am. 1982, Act 230, Imd. Eff. Sept. 16, 1982;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Township Board.

41.70 Township board; membership; quorum; adoption of section.

Sec. 70. The supervisor, 2 trustees, the township treasurer, and the township clerk constitute the township board, and any 3 of them constitute a quorum for the transaction of business at a meeting of the township board. However, in townships having a population of 5,000 or more as determined by the last federal decennial census or having 3,000 or more registered electors, the supervisor, the township treasurer, the township clerk, and 4 trustees, to be elected by the registered electors of the township as provided in sections 358 and 362 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.358 and 168.362 of the Michigan Compiled Laws, constitute the township board, and any 4 of them constitute a quorum for the transaction of business. The township clerk in such a township shall be the clerk of the township board. However, this subsection does not apply unless the electors of a township having a population of 5,000 or more, or having 3,000 or more registered electors, adopt the provisions of this section

by a majority vote at an annual or special township meeting of the electors or adopted the provisions of this section before December 22, 1952.

History: R.S. 1846, Ch. 16;—CL 1857, 562;—CL 1871, 706;—How. 744;—CL 1897, 2343;—CL 1915, 2122;—CL 1929, 1010;—Am. 1935, Act 19, Eff. Sept. 21, 1935;—Am. 1937, Act 81, Eff. Oct. 29, 1937;—Am. 1945, Act 23, Eff. Sept. 6, 1945;—CL 1948, 41.70;—Am. 1949, Act 9, Imd. Eff. Mar. 8, 1949;—Am. 1952, Ex. Sess., Act 2, Imd. Eff. Dec. 22, 1952;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: Section 171.13, referred to in this section, was repealed by Act 116 of 1954. See now MCL 168.1 et seq.

41.71 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed section pertained to raising quorum.

41.72 Fiscal year; commencement and termination; proportionate extension or reduction.

Sec. 72. The fiscal year of a township may commence on July 1 of each year and end on the following June 30, or it may commence on April 1 of each year and end on the following March 31. If a budget has been adopted, an audit performed, or other actions or proceedings taken before July 1, based upon a fiscal year ending in March, the fiscal year shall be proportionately extended or reduced to coincide with the fiscal year as provided in this section without impairment of township functions, services, or activities.

History: R.S. 1846, Ch. 16;—CL 1857, 564;—CL 1871, 708;—How. 746;—CL 1897, 2345;—Am. 1905, Act 149, Eff. Sept. 16, 1905;—CL 1915, 2124;—CL 1929, 1012;—CL 1948, 41.72;—Am. 1971, Act 159, Eff. Mar. 30, 1972;—Am. 1978, Act 596, Imd. Eff. Jan. 4, 1979;—Am. 1980, Act 291, Eff. Mar. 31, 1981;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.72a Township board; regular and special meetings; time and place; moderator; transaction of business; publication of proceedings; adjusted amount.

Sec. 72a. (1) The township board shall provide by resolution for the time and place of its regular meetings, and shall hold not less than 1 regular meeting every 3 months. If a time set for a regular meeting of the township board is a holiday, as designated by the township board, the regular meeting shall be held at the same time and place on the next secular day that is not a holiday.

(2) A special meeting of the township board shall be held at a time fixed by the board at a meeting or when the supervisor considers it necessary. Upon call of the supervisor, the township clerk shall give notice of the time and place of the meeting to each member, either in person or by leaving a written notice at the member's address. A special meeting of the township board shall be called by the township clerk upon receiving a written request for the meeting signed by a majority of the township board members.

(3) The supervisor, if present, shall be the moderator of a regular or special meeting of the township board. If the supervisor is not present, the township board, under the direction of the township clerk, shall elect by voice vote a member of the township board as a moderator of the meeting. The township clerk has the same powers and duties as the moderator until a moderator is chosen.

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

(5) Subject to subsection (6), if a township has a taxable value, as calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27A, of \$50,000,000.00 or more, the township board, not more than 21 days after a meeting of the board, shall publish the proceedings of the meeting in a newspaper of general circulation in the township. The 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 a sufficient compliance with the requirements of this subsection.

(6) The \$50,000,000.00 amount provided for in subsection (5) shall be adjusted as of January 1 of each year, beginning January 1, 1998. The department of treasury shall determine on or before December 1 of each year, beginning December 1, 1997, an adjusted amount for the following year. The adjusted amount for each year shall be determined by comparing the consumer price index for the 12-month period ending the preceding October 31 with the corresponding consumer price index of 1 year earlier. The percentage increase or decrease shall then be multiplied by the current adjusted amount. The product shall be rounded up to the nearest multiple of \$1,000,000.00 and shall be the new adjusted amount. The department of treasury shall provide the adjusted amount upon request. As used in this section, "consumer price index" means the annual average percentage increase in the Detroit consumer price index for all items as reported by the United States department of labor.

History: Add. 1951, Act 46, Imd. Eff. May 14, 1951;—Am. 1971, Act 159, Eff. Mar. 30, 1972;—Am. 1973, Act 95, Imd. Eff. Aug. 8, 1973;—Am. 1980, Act 264, Imd. Eff. Sept. 16, 1980;—Am. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 1996, Act 465, Imd. Eff. Dec. 26, 1996;—Am. 1999, Act 198, Imd. Eff. Dec. 20, 1999.

41.72b Conducting business at public meeting; notice of meeting.

Sec. 72b. The business which the township board may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976. 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.

History: Add. 1960, Act 19, Eff. Aug. 17, 1960;—Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977.

41.73, 41.74 Repealed. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: The repealed sections pertained to auditing accounts, preservation of records, bond of township clerk, and township clerk as clerk of board.

41.75 Approval and payment of claims against township; filing and preservation of accounts; authorized payments.

Sec. 75. In addition to other business matters that may be acted upon at a regular meeting of the township board, the township board shall approve claims against the township and authorize payment of allowed claims. Accounts approved by the township board shall be filed and preserved by the township clerk. The payments authorized shall be paid by the treasurer, on the order of the township board, signed by the township clerk.

History: R.S. 1846, Ch. 16;—CL 1857, 567;—CL 1871, 711;—How. 749;—Am. 1887, Act 63, Imd. Eff. Apr. 9, 1887;—CL 1897, 2348;—CL 1915, 2127;—CL 1929, 1015;—CL 1948, 41.75;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: For transfer of functions relating to energy policy from the Energy Administration, Department of Commerce, to the Public Service Commission, Department of Commerce, see E.R.O. No. 1986-4, compiled at MCL 460.901 of the Michigan Compiled Laws.

41.75a Township manager and other employees; employment; duties.

Sec. 75a. The township board may employ a township manager and other employees as are necessary. They shall serve at the pleasure of the township board and shall perform duties lawfully directed by the township board, except those duties that are delegated by law to another township official, unless consent has been granted.

History: Add. 1972, Act 90, Imd. Eff. Mar. 20, 1972;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.75b Energy conservation improvements; payment; acquisition by contracts or notes; requirements; reports; forms.

Sec. 75b. (1) A township board may provide for energy conservation improvements to be made to township facilities and may pay for the improvements from operating funds of the township or from the savings that result from the energy conservation improvements. Energy conservation improvements may include, but are not limited to, heating system improvements, fenestration improvements, roof improvements, the installation of any insulation, the installation or repair of heating or air conditioning controls, and entrance or exit way closures.

(2) The township board may acquire 1 or more of the energy conservation improvements described in subsection (1) by installment contract or may borrow money and issue notes for the purpose of securing funds for the improvements or may enter into contracts in which the cost of the energy conservation improvements is paid from a portion of the savings that result from the energy conservation improvements. These contractual agreements may provide that the cost of the energy conservation improvements are paid only if the energy savings are sufficient to cover their cost. An installment contract or notes issued pursuant to this subsection shall extend for a period of time not to exceed 10 years. Notes issued pursuant to this subsection shall be full faith and credit, tax limited obligations of the township, payable from tax levies and the general fund as pledged by the township board. The notes are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. This subsection does not limit in any manner the borrowing or bonding authority of a township as provided by law.

(3) If energy conservation improvements are made as provided in this section, the township board shall report the following information to the Michigan public service commission within 60 days of the completion of the improvements:

(a) Name of each facility to which an improvement is made and a description of the conservation improvement.

(b) Actual energy consumption during the 12-month period before completion of the improvement.

(c) Project costs and expenditures.

(d) Estimated annual energy savings.

(4) If energy conservation improvements are made as provided in this section, the township board shall

report to the Michigan public service commission, by July 1 of each of the 5 years after the improvements are completed, only the actual annual energy consumption of each facility to which improvements are made. The forms for the reports required by this section shall be furnished by the Michigan public service commission.

History: Add. 1984, Act 403, Imd. Eff. Dec. 28, 1984;—Am. 1990, Act 230, Imd. Eff. Oct. 8, 1990;—Am. 2002, Act 226, Imd. Eff. Apr. 29, 2002.

Compiler's note: For transfer of powers and duties of the public service commission pertaining to energy conservation improvement reports from the public service commission to the state treasurer, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

Treasurer.

41.76 Township treasurer; duties generally.

Sec. 76. The township treasurer shall receive and take charge of money belonging to the township, or that is by law required to be paid into the township treasury, and shall pay over and account for the money, according to the order of the township board, or the authorized officers of the township.

History: R.S. 1846, Ch. 16;—CL 1857, 568;—CL 1871, 712;—Am. 1877, Act 124, Eff. Aug. 21, 1877;—How. 751;—CL 1897, 2353;—CL 1915, 2133;—CL 1929, 1016;—Am. 1933, Act 43, Eff. Oct. 17, 1933;—Am. 1935, Act 16, Eff. Sept. 21, 1935;—CL 1948, 41.76;—Am. 1972, Act 177, Eff. Mar. 30, 1973;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.77 Township treasurer; bond; deposit of funds; limitation as to assets; deputy; “financial institution” defined.

Sec. 77. (1) A township treasurer, within the time limited for filing the oath of office and before entering upon the duties of the office, shall give a bond to the township in the sum and with the sureties as the township board shall require and approve, conditioned on the faithful discharge of the duties of the office and that the treasurer will account for and pay over according to law, all money that comes into the treasurer's hands as treasurer, and the supervisor shall indorse approval on the bond. The treasurer shall file, within the time above mentioned, the bond with the township clerk of the township, who shall record the bond in a book to be provided for that purpose. The township clerk, after recording the bond, shall deliver it to the supervisor, who shall file it in the supervisor's office.

(2) The township board of a township may provide by resolution for the depositing of money coming into the hands of the treasurer of the township, and the treasurer shall deposit the money in the financial institution the township board may direct, subject to this act. Interest that accrues upon the deposit shall be paid into the general fund of the township. The township board of a township shall determine in the resolution the time for which the deposits shall be made and all details for carrying into effect the authority given in this act, but proceedings in connection with the deposit of money shall be conducted in a manner to ensure full publicity and shall be open at all times to public inspection.

(3) If a financial institution is provided as authorized in this act, and the funds are deposited as directed, the treasurer of the township and the treasurer's bondsmen are relieved of liability occasioned by the failure of the financial institution of deposit or the sureties for the financial institution, or by the failure of either of them to safely keep and repay the funds.

(4) Assets acceptable for pledging to secure deposits of township funds are limited to any of the following:

(a) Assets considered acceptable to the state treasurer under section 3 of 1855 PA 105, MCL 21.143, to secure deposits of state surplus funds.

(b) Any of the following:

(i) Securities issued by the federal home loan mortgage corporation.

(ii) Securities issued by the federal national mortgage association.

(iii) Securities issued by the government national mortgage association.

(c) Other securities considered acceptable to the township and the financial institution.

(5) The treasurer shall appoint a deputy, who shall serve at the pleasure of the treasurer. The deputy shall file an oath of office with the township clerk and shall give a bond to the township as required by the township board. The deputy, in case of the absence, sickness, death, or other disability of the treasurer, shall possess the powers and perform the duties of the treasurer, except the deputy shall not have a vote on the township board. The deputy shall be paid as the township board determines. With the approval of the township treasurer, the deputy may assist the treasurer in the performance treasurer's duties at any additional times agreed upon between the board and the treasurer, except the deputy shall not have a vote on the township board.

(6) As used in this section, “financial institution” means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office located in

this state under the laws of this state or the United States.

History: R.S. 1846, Ch. 16;—CL 1857, 569;—Am. 1869, Act 90, Eff. July 5, 1869;—CL 1871, 713;—How. 752;—CL 1897, 2354;—Am. 1903, Act 29, Imd. Eff. Apr. 9, 1903;—Am. 1909, Act 305, Eff. Sept. 1, 1909;—CL 1915, 2134;—CL 1929, 1017;—CL 1948, 41.77;—Am. 1962, Act 30, Eff. Mar. 28, 1963;—Am. 1964, Act 35, Imd. Eff. May 4, 1964;—Am. 1973, Act 170, Imd. Eff. Dec. 14, 1973;—Am. 1977, Act 33, Imd. Eff. June 22, 1977;—Am. 1982, Act 230, Imd. Eff. Sept. 16, 1982;—Am. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 1997, Act 22, Imd. Eff. June 12, 1997.

41.78 Account of receipts and expenditures; book or electronic means; delivery to successor in office; availability of documents to public.

Sec. 78. (1) At the expense of the township, each township treasurer shall keep an accurate account of the receipts and expenditures of township money in a book or by electronic means which meets the uniform accounting requirements of the state treasurer. The account shall reflect the amount of money belonging to each of the several funds of the township and shall be delivered in a timely manner to the township treasurer's successor in office.

(2) Any document prepared, owned, used, in the possession of, or retained by the township treasurer in the performance of an official function shall be available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

History: R.S. 1846, Ch. 16;—CL 1857, 570;—CL 1871, 714;—How. 753;—CL 1897, 2355;—CL 1915, 2135;—CL 1929, 1018;—CL 1948, 41.78;—Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977;—Am. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 2006, Act 651, Imd. Eff. Jan. 5, 2007.

41.79 Repealed. 1972, Act 178, Eff. Mar. 30, 1973.

Compiler's note: The repealed section pertained to accounting by treasurer.

Constables.

41.80 Constables; bond required.

Sec. 80. Every person elected or appointed to the office of constable, before taking office and within the time prescribed by law for filing the official oath, shall execute, with sufficient sureties to be approved by the township board, an instrument in writing by which the constable and his or her sureties jointly and severally agree to pay to each person who may be entitled money that the constable becomes liable to pay on account of the neglect or default of the constable in the service or return of process that may be delivered to him or her for service or collection or on account of misfeasance of the constable in the discharge of, or failure of the constable to faithfully perform, the duties of his or her office.

History: R.S. 1846, Ch. 16;—Am. 1855, Act 51, Eff. May 15, 1855;—CL 1857, 572;—CL 1871, 723;—Am. 1881, Act 166, Eff. Sept. 10, 1881;—How. 762;—CL 1897, 2364;—CL 1915, 2144;—CL 1929, 1020;—CL 1948, 41.80;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.81 Constables; bond; filing; certified copy as evidence of contents and execution; actions against constables or sureties upon bond.

Sec. 81. The bond required in section 80 shall be filed in the office of the township clerk, and a copy of the bond certified by the township clerk is presumptive evidence of the contents and execution of the bond. Actions against a constable or his or her sureties upon such a bond shall be commenced within 6 years after the expiration of the year in which commenced the term of office during which the neglect, default, misfeasance, or failure occurred.

History: R.S. 1846, Ch. 16;—CL 1857, 573;—CL 1871, 724;—How. 763;—CL 1897, 2365;—CL 1915, 2145;—CL 1929, 1021;—CL 1948, 41.81;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.82 Constables; service of warrants, notices, and process; duties; ordinance restricting or limiting powers; compliance with minimum employment standards; cost of compliance; appointment as district court officer.

Sec. 82. (1) Constables shall serve all warrants, notices, and process lawfully directed to them by the township board, or the township clerk, or another officer, and shall perform other duties as are required of them by law. A township board, by ordinance, may restrict or limit the powers of a township constable prescribed by state law. If the township requires the constable to perform both statutory criminal and civil duties, a person elected or appointed to the office of township constable shall comply with the minimum employment standards established by the law enforcement officer training council pursuant to section 9 of Act No. 203 of the Public Acts of 1965, as amended, being section 28.609 of the Michigan Compiled Laws. The cost of complying with these standards shall be borne by the township.

(2) A township constable may be appointed as a district court officer by the district court and may perform the duties permitted pursuant to chapter 83 of Act No. 236 of the Public Acts of 1961, as amended, being sections 600.8301 to 600.8395 of the Michigan Compiled Laws. The employment standards of subsection (1) shall not apply when a township constable is appointed as a district court officer.

History: R.S. 1846, Ch. 16;—CL 1857, 574;—CL 1871, 725;—How. 764;—CL 1897, 2366;—CL 1915, 2146;—CL 1929, 1022;—CL 1948, 41.82;—Am. 1976, Act 426, Imd. Eff. Jan. 11, 1977.

41.83 Constables; service of writ, process, or order.

Sec. 83. A constable may serve any writ, process, or order lawfully directed to him or her in any township in his or her county.

History: R.S. 1846, Ch. 16;—CL 1857, 575;—CL 1871, 726;—How. 765;—CL 1897, 2367;—CL 1915, 2147;—CL 1929, 1023;—CL 1948, 41.83;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.83a Constable or police officers; right to pursue, arrest, and detain person outside of township limits.

Sec. 83a. 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 township, or has committed or is suspected of having committed any crime within a township, or has escaped from any prison or jail in that township, the constable or police officers of that township shall have the same right to pursue, arrest, and detain the person outside of the township limits as does the sheriff of the county.

History: Add. 1983, Act 8, Imd. Eff. Mar. 18, 1983.

41.83b Police officer or constable; authority to execute bench warrant.

Sec. 83b. A police officer of a township or, if authorized by the township board, a constable of a township has the same authority within the 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 44, Imd. Eff. May 12, 1992.

41.84 Constables; attendance at sessions of circuit courts; notice; payment.

Sec. 84. Constables shall attend the sessions of the circuit courts for their respective counties when notified for that purpose by the sheriff and paid by their respective counties.

History: R.S. 1846, Ch. 16;—CL 1857, 576;—CL 1871, 727;—How. 766;—CL 1897, 2368;—CL 1915, 2148;—CL 1929, 1024;—CL 1948, 41.84;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Justices of the Peace.

41.90-41.94 Repealed. 1974, Act 26, Imd. Eff. Feb. 26, 1974.

Compensation to Township Officers.

41.95 Salary for officers composing township board; procedures.

Sec. 95. (1) In a township that holds an annual meeting of the electors of the township as provided in section 8, the officers composing the township board are entitled to the salary as determined by resolution adopted by the township board at least 30 days prior to the annual meeting of the township electors. The resolution shall establish the effective date of the salary, which shall be during the next fiscal year. The electors at the subsequent annual meeting of the electors may alter the amount of salary fixed by the resolution. If the electors fail to act on the salary resolution, the officers are entitled to the salary set in the resolution.

(2) A trustee may receive, in addition to the annual salary for his or her service to the township, a sum for each meeting of the board actually attended by the trustee, as established by the township board, to be paid upon authorization of the township board. The supervisor, clerk, and treasurer shall receive no additional compensation for attending meetings of the township board. Members of the township board may be reimbursed for reasonable expenses actually incurred on behalf of the township. An official appointed to fill a vacancy of an elective township office shall be entitled to the same compensation as that established for the official who previously held that office. The salary of an elected township official or an official appointed to fill a vacancy shall not be decreased during the official's term of office unless the responsibilities and requirements of that office are diminished and the official consents in writing to the reduction in salary. However, if a township in setting a township supervisor's salary has designated a portion of the supervisor's salary to be paid 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. Nevertheless, that portion of a supervisor's salary designated for nonassessment functions shall not be decreased during the supervisor's term of office without the supervisor's written consent.

(3) In a township that, pursuant to section 8, does not hold an annual township meeting and in a charter township created under Act No. 359 of the Public Acts of 1947, as amended, being sections 42.1 to 42.34 of the Michigan Compiled Laws, the salary for officers composing the township board shall be determined by the township board. If a petition is filed within 30 days after the township board votes the salary signed by 10% of the qualified electors of the township requesting that the question be submitted to the electorate, the township board shall call a special election and submit the question of salary to the electors. The vote upon the question of approving the resolution shall be by a ballot which shall be in substantially the following form:

“Vote on proposition of approving a resolution of the township board providing a salary of dollars, per annum, to the, in place of all per diem charges for services.

Make a cross in the appropriate square.

To approve the resolution. Yes []

To approve the resolution. No []”

If a majority of the electors voting upon the resolution disapprove the resolution, then, effective on the date of the certification of the election results by the board of canvassers, the officer's salary shall revert to the salary for that office in effect before the adoption of the resolution. If a majority of the electors voting upon the resolution approve the resolution, the officer shall receive the salary set forth in the resolution.

(4) In place of the procedures in subsections (1), (2), and (3) for determining salaries of elected officials, the township board may by ordinance establish the procedure described in this subsection. The ordinance shall provide as follows:

(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. The first members shall be appointed within 30 days after the effective date of the ordinance. Subsequent members shall be appointed within 30 days after a term expires or a vacancy occurs. Vacancies shall be filled for the remainder of an unexpired term. An officer or employee of a government agency or unit or member of the immediate family of an officer or employee shall not be appointed to the commission.

(b) The commission shall determine the salary of each member of the township board, which shall be effective at the beginning of the next fiscal year. The determination of the commission 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. The determination of the commission shall be effective 30 days following filing of the determination with the township clerk unless rejected by the township board. If the determination is rejected, the existing salary shall prevail. An expense allowance or reimbursement paid to elected officials 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 its determination within 45 calendar days of its first meeting. A majority of the members of the commission constitutes a quorum for conducting the business of the commission. The business that the commission may perform shall be conducted at a public meeting of the commission 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. 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 its members. As used in this section, “session days” means calendar days 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.

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

(6) 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 not less than 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 resolution under subsection (3). If a petition for referendum is filed, a determination of the commission shall not be effective until the ordinance has been approved by the electors.

(7) The salary of an elected township official shall not be decreased during the official's term of office.

History: R.S. 1846, Ch. 16;—CL 1857, 587;—Am. 1867, Act 179, Imd. Eff. Mar. 27, 1867;—CL 1871, 741;—How. 774;—CL 1897, 2374;—Am. 1907, Act 98, Eff. Sept. 28, 1907;—Am. 1911, Act 260, Imd. Eff. May 1, 1911;—Am. 1915, Act 248, Eff. Aug. 24, 1915;—CL 1915, 2154;—Am. 1917, Act 89, Eff. Aug. 10, 1917;—Am. 1921, Act 57, Eff. Aug. 18, 1921;—Am. 1923, Act 291, Imd. Eff. May 25, 1923;—Am. 1925, Act 197, Imd. Eff. May 6, 1925;—Am. 1929, Act 61, Imd. Eff. Apr. 18, 1929;—CL 1929, 1030;—Am. 1933, Act 97, Imd. Eff. May 31, 1933;—Am. 1937, Act 24, Imd. Eff. Apr. 30, 1937;—Am. 1941, Act 284, Eff. Jan. 10, 1942;—Am. 1943, Act 126, Eff. July 30, 1943;—CL 1948, 41.95;—Am. 1949, Act 25, Imd. Eff. Mar. 29, 1949;—Am. 1956, Act 223, Eff. Aug. 11, 1956;—Am. 1966, Act 94, Imd. Eff. June 16, 1966;—Am. 1974, Act 176, Imd. Eff. June 23, 1974;—Am. 1975, Act 21, Imd. Eff. Apr. 4, 1975;—Am. 1977, Act 159, Imd. Eff. Nov. 8, 1977;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: MCL 41.95 of Chapter 16 of the Revised Statutes of 1846 was amended by 1911 PA 260 to adopt a township compensation plan. The House of Representatives added enacting section 2 to provide that "This act shall not take effect until ratified by the electors of said township." The act was approved May 1, 1911.

On September 8, 1911, the Attorney General (p. 99, 1912 Attorney General Report) opined that the act could not become effective because it provided no adequate machinery for its adoption. Enacting section 2 was subsequently repealed by 1915 PA 248.

41.96 Township officers; extra services, compensation.

Sec. 96. For services not otherwise provided for by law, rendered to townships by township officers in the duties of their respective offices, the township board shall audit and allow such compensation as they shall deem reasonable.

History: R.S. 1846, Ch. 16;—CL 1857, 588;—CL 1871, 742;—How. 775;—CL 1897, 2375;—CL 1915, 2155;—CL 1929, 1031;—CL 1948, 41.96.

Township Business, Other Than Elections.

41.97 Moderator of township meeting.

Sec. 97. The supervisor, if present, shall be the moderator of an annual or special township meeting of the electors, and if he or she is not present, the meeting, under the direction of the township clerk, shall elect by voice vote, a moderator of the meeting. However, the township clerk has the same powers and duties as the moderator until a moderator is chosen.

History: R.S. 1846, Ch. 16;—CL 1857, 589;—CL 1871, 743;—How. 776;—CL 1897, 2376;—CL 1915, 2156;—CL 1929, 1032;—CL 1948, 41.97;—Am. 1956, Act 105, Eff. Aug. 11, 1956;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.98 Duties of moderator.

Sec. 98. The moderator of a meeting of the electors shall preside in and regulate the proceedings of a meeting of the electors. He or she shall decide all questions of order and make public declaration of all votes passed, and if a vote so declared by him or her shall immediately upon such declaration be questioned, he or she shall make the vote certain by polling the voters, or dividing the meeting, unless the township, by a previous vote or by its bylaws, has otherwise provided.

History: R.S. 1846, Ch. 16;—CL 1857, 590;—CL 1871, 744;—How. 777;—CL 1897, 2377;—CL 1915, 2157;—CL 1929, 1033;—CL 1948, 41.98;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.99 Permission required to address meeting; request for silence.

Sec. 99. A person shall not address a meeting of the electors until permission is obtained from the moderator, nor while any other person is speaking. All persons at a meeting of the electors shall be silent at the request of the moderator.

History: R.S. 1846, Ch. 16;—CL 1857, 591;—CL 1871, 745;—How. 778;—CL 1897, 2378;—CL 1915, 2158;—CL 1929, 1034;—CL 1948, 41.99;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.100 Repealed. 1977, Act 159, Imd. Eff. Nov. 8, 1977.

Compiler's note: The repealed section pertained to disorderly conduct at township meeting.

41.101 Exclusion of person from public meeting; refusal to withdraw as misdemeanor; penalty.

Sec. 101. A person shall not be excluded from a public meeting except for a breach of the peace actually committed at the meeting. A person who refuses to withdraw from a public meeting, on being ordered by the moderator to do so, is guilty of a misdemeanor punishable by a fine not exceeding \$50.00.

History: R.S. 1846, Ch. 16;—CL 1857, 593;—CL 1871, 747;—How. 780;—CL 1897, 2380;—CL 1915, 2160;—CL 1929, 1036;—

Qualifications of Voters and Officers.

41.102 Right to vote; challenge; ruling.

Sec. 102. An elector of the township shall have a right to vote on all matters and questions before any township meeting of the electors, and when any person claiming the right to vote is challenged, the moderator shall rule on the challenged person's qualifications as an elector.

History: R.S. 1846, Ch. 16;—CL 1857, 594;—CL 1871, 748;—How. 781;—CL 1897, 2381;—CL 1915, 2161;—CL 1929, 1050;—CL 1948, 41.102;—Am. 1963, 2nd Ex. Sess., Act 1, Imd. Eff. Dec. 27, 1963;—Am. 1989, Act 77, Imd. Eff. June 20, 1989.

41.103 Polling places.

Sec. 103. A township board may provide polling places located within the limits of a city that has been incorporated from territory formerly a part of the township, and the electors of the township may cast their ballots at this polling place.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: Former MCL 41.103, which pertained to eligibility for elective township office, was repealed by Act 19 of 1972, Imd. Eff. Feb. 19, 1972.

41.104 Limits and boundary lines of organized township; division of lands into 2 or more townships; agreement as dispositive of lands and apportionment of proceeds; annexation; sale and conveyance of lands; apportionment of proceeds.

Sec. 104. (1) The limits and boundary lines of every organized township in existence on the effective date of the amendatory act that added this section shall remain as established until otherwise provided by law.

(2) If, as provided by law, lands owned by a township are divided into 2 or more townships, the township boards of the townships constituted by the division shall jointly meet as soon as possible after the first township meetings of the electors held in each of the townships. At the meeting, the township boards may make an agreement concerning the disposition of township lands and the apportionment of the proceeds of a sale of those lands, as they think equitable, and take measures, and execute conveyances necessary to implement the agreement.

(3) If a township's boundary is altered by annexing a part of its territory to 1 or more townships, the township board of the township from which the territory is to be taken and the township board of the township or townships to which the territory is to be annexed shall jointly meet as soon as possible after the annexation and shall possess the powers provided in subsection (2).

(4) If an agreement for the disposition of lands altered pursuant to this section is not made by the township boards within 6 months after the alteration or division, the township board of each township in which any portion of these lands are located shall proceed as soon as possible to sell and convey the part of the lands that are located within the limits of that township. The proceeds arising from this sale shall be apportioned between the several townships by the township boards of all of these townships, according to the amount of taxable property in the township divided or altered, as it existed immediately before the division or alteration, to be ascertained by the last assessment roll of the township.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

41.105 Apportionment of money, rights, credits, and other personal estate.

Sec. 105. If a township possessed of or entitled to money, rights, credits, or other personal estate is divided or altered, the money, rights, credits, and other personal estate, shall be apportioned between the interested townships by the township boards of these townships according to the rule of apportionment above prescribed. The township boards of these townships shall jointly meet for that purpose as soon as possible after each township holds its first subsequent township meeting.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

41.106 Meeting of township boards; notice; compliance with open meetings act.

Sec. 106. If a meeting of the township boards of 2 or more townships is required pursuant to sections 104 to 109 of this chapter, a meeting may be called by any of the supervisors, but the supervisor calling the meeting shall give in writing to all the other officers at least 6 days' notice of the time and place at which the meeting is to be held. The meeting shall be 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.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

41.107 Cemeteries.

Sec. 107. Sections 104 to 106 of this chapter shall not apply to a cemetery belonging to a township. Such a cemetery shall belong to the township within which it is situated after a division is made.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

41.108 Apportionment of debts.

Sec. 108. Debts of a township divided or altered as provided in this chapter shall be apportioned in the same manner as the personal property of the township. After the apportionment of the debts, each township shall be charged with and pay its share of the debts, according to the apportionment.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

41.109 Liability in action for accounting and settlement; applicable law.

Sec. 109. If the township board or boards of any townships, or the proper board of officers of any village or city, neglect or refuse to meet as provided in this chapter, or having met refuse or neglect to arrive at a settlement of the matters of in difference between them, as provided in this chapter, the township, city, or village whose board refuses or neglects to settle the matters of difference shall be liable in an action for an accounting and settlement in the same manner as is provided for conflicts between individuals or private corporations. The provisions of sections 104 to 109 relative to settlements between townships regarding divisions shall be applicable to villages and cities, so far as those provisions may be applied.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

Compiler's note: In this section, the phrase "of the matters of in difference" evidently should read "of the matters of difference."

41.110 Transfer of unexpended balance in nonrestricted township fund to general fund of township.

Sec. 110. (1) The township board may, by resolution, transfer the unexpended balance in a nonrestricted township fund to the general fund of the township after provision has been made for the payment of unpaid warrants or orders drawn on the nonrestricted fund and for claims and accounts then existing which, when audited and allowed, would be payable out of that fund.

(2) If a transfer of funds is authorized pursuant to subsection (1), the treasurer of the township shall provide for the transfer of funds when and as authorized by the township board.

(3) A township board shall not transfer the unexpended balance of any township fund under this section if unpaid bonds payable from the fund are outstanding.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

41.110a Uniform chart of accounts and reports; annual financial reports and audits.

Sec. 110a. The township board of a township shall establish a uniform chart of accounts and reports and provide annual financial reports and audits in accordance with the uniform budgeting and accounting act, Act No. 2 of the Public Acts of 1968, being sections 141.421 to 141.440a of the Michigan Compiled Laws.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.

41.110b Retirement system; insurance; deduction of premium or charge; automatic insurance or coverage; notice of desire not to be insured or covered; validity of prior programs, insurance, or coverage; authority cumulative; exercise of powers by ordinance.

Sec. 110b. (1) A township may do all of the following:

(a) Establish a retirement system for its employees and provide for financing, funding, and the payment of benefits in the same manner and to the same extent as permitted counties under section 12a of 1851 PA 156, MCL 46.12A, or make contracts of insurance with an insurance company authorized to transact business within this state.

(b) Make arrangements with a prepayment plan authorized to transact business within the state, insuring and covering 1 or more of the following under policies of group insurance or prepayment plan contracts, or both, covering life, accident, dental care, vision care, health, hospitalization, and medical and surgical service and expense insurance:

(i) Elected or appointed township officers and employees, and dependents of those officers or those employees.

(ii) Any classes of elected or appointed township officers and employees, and dependents of those officers or those employees.

(iii) Any classes of retired township officers and employees, and dependents of those officers or those employees.

(c) Establish a cafeteria plan authorized under section 125 of the internal revenue code of 1986 for its elected or appointed officers and employees, any classes of elected or appointed officers and employees, and dependents of those officers and those employees. As used in this subdivision, "cafeteria plan" means that term as defined in section 125 of the internal revenue code of 1986.

(d) Contract with a company that grants annuities or pensions for the pensioning of the officers and employees and for these purposes pay any part of the premiums or charges for insurance, prepayment plan coverage, annuities, or pensions.

(e) Offer any other employment benefit authorized by state or federal law.

(2) Notwithstanding any other provision of law, the proper disbursing officer of the township may deduct from an officer's or employee's pay, salary, or compensation that part of the premium or charge that is payable by the officer or employee.

(3) A contract of insurance or arrangement for prepayment plan coverage procured under this section may provide that each elected or appointed officer or employee becoming eligible for insurance or coverage becomes insured or covered automatically when he or she becomes eligible, subject to any actively-at-work requirements or effective retirement dates specified in the contract or arrangement. If the insurance or coverage under the contract or arrangement requires contributions from the individual, any individual desiring not to be insured or covered under the contract or arrangement shall give written notice to his or her employing office that he or she desires not to be insured or covered, and if the notice is received before the individual has become insured or covered under the contract or arrangement, he or she shall not be insured or covered. If the notice is received after the individual has become insured or covered, his or her insurance or coverage under the contract or arrangement shall cease as provided for in the contract or arrangement.

(4) This section does not affect the validity of a retirement program or contract of group insurance or arrangement for prepayment plan coverage entered into by the township before June 20, 1989.

(5) The authority given under this section is in addition to and not in derogation of any power existing in the township under the laws of this state. A township may exercise the powers granted under this section by ordinance without the necessity of amending its charter.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989;—Am. 1999, Act 209, Imd. Eff. Dec. 21, 1999.

41.110c Appropriations and expenditures; purposes.

Sec. 110c. The township board may appropriate money or expend funds for all of the following purposes:

(a) To advertise the agricultural, industrial, commercial, educational, or recreational advantages of the state, county, or township.

(b) To collect, prepare, or maintain an exhibition of the products and industries of the township at any domestic or foreign exposition to encourage immigration and increase the trade in the products of this state or the township.

(c) To advertise this state or any portion of this state to tourists and resorters.

(d) To maintain and circulate a publication to disseminate information regarding township improvements, activities, and functions.

History: Add. 1989, Act 77, Imd. Eff. June 20, 1989.