

December 1965

*Summary of*  
**Laws**

*relating to*

**Local Parks**

*and*

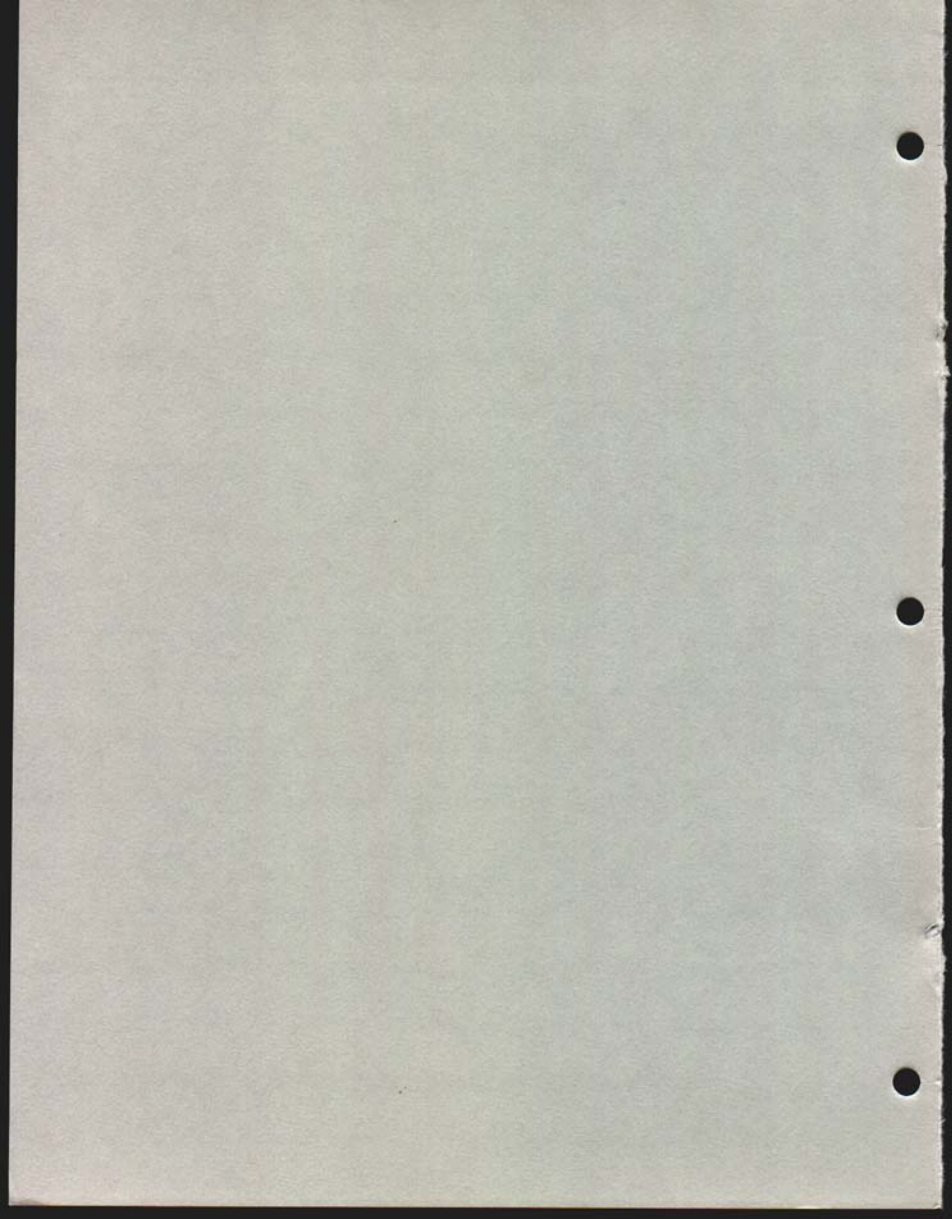
**Recreation**

STATE OF MICHIGAN

1965

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EXTENSION BULLETIN 515  
RECREATION AND TOURISM SERIES  
COOPERATIVE EXTENSION SERVICE  
MICHIGAN STATE UNIVERSITY  
EAST LANSING



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## FOREWORD

This compilation and summary of State Legislation pertaining to municipal parks and recreation in Michigan was prepared solely for the purpose of providing easy reference and information for public officials and civic leaders having a responsibility or interest in recreation and parks. It is hoped that these particular references will more clearly indicate that recreation is indeed a logical and necessary function of government, the importance of which can be gleaned from these laws.

This compilation should be considered only as an introduction to the Legislation cited. The Enabling Acts should be referred to and interpreted by an attorney in determining specific legal provisions and requirements.

These acts were taken from the *Compiled Laws of Michigan*, 1948 edition and *Michigan Statutes Annotated*, 1964 edition and can be referred to according to chapter and section cited except Acts 261, 258, 316, and 326 which were enacted in 1965.

Laurence A. Schenk, graduate student in Park and Recreation Administration, Department of Resource Development, Michigan State University, assisted in compiling the acts.—LOUIS F. TWARDZIK, Recreation Specialist, Cooperative Extension Service, and Assistant Professor, Park and Recreation Administration, Department of Resource Development, Michigan State University.

## LOCAL GOVERNMENTS

### Act 3, Public Acts of 1895, Incorporation of Villages

An act to:

- a. Provide for the incorporation of villages and—
- b. Define their powers and duties.

CHAPTER IV: Duties of the Street Commissioner

#### SECTION 18:

a. It shall be the duty of the street commissioner to perform or cause to be performed:

1. Labor, repairs, and improvements upon public grounds and parks within the village.

CHAPTER VII: Power of Council

#### SECTION 4:

a. Any village may:

1. Acquire, purchase, and erect buildings for village use.

2. Acquire, purchase, and appropriate real estate necessary for public grounds, parks, markets, buildings, and other purposes necessary or convenient for the public good.

b. Such buildings and grounds may be sold at a public sale or leased, provided that no public parks are sold without the consent of a majority of the qualified voters of the village.

#### SECTION 5:

a. Grounds and buildings for the village prison, hospital, and pest-house may be purchased, erected and maintained beyond the village limits.

b. In such event, the village council has authority to enforce all ordinances and police regulations as are applied within the village limits to such grounds and building, which are necessary for:

1. Care and protection of the buildings and grounds.
2. Management and control of persons kept or confined in same.

#### SECTION 6:

a. The village council shall have authority to:

1. Lay out and establish, or vacate and discontinue public grounds and parks within the village limits.

2. Improve, light, and ornament same.

3. Regulate the use of same.

4. Protect the parks and their appurtenances from obstructions, encroachment, and injury from all nuisances.

### Act 66, Public Acts of 1941, Local Governmental Affairs Act, Chapter 123, Sections 123.601-123.604

An act to:

a. Validate proceedings taken by the governing body of any city having frontage on navigable waters for:

1. Acquisition, improvement, and repair of waterfront facilities.

2. Issuance of revenue bonds to pay for same.

b. Validate provisions made by cities for the operation and control of waterfront facilities.

c. Grant such cities the right to:

1. License ferries and similar commercial craft.

2. Impose fees and charges for the use of public piers, wharves, docks, and landing places.

3. Regulate and license construction, operation, maintenance and business of owning private boat landing places on lands bordering navigable waters.

4. Cancel such licenses.

5. Make rules and regulations governing the construction, operation, and maintenance of private landing places.

d. Validate leases of facilities which cities have made.

e. Authorize the issuance of bonds.

f. Grant to cities supervision and regulation of all lands located within the city limits on navigable water, including state-owned lands.

#### SECTION 1:

In all cases where the governing body of any city in this State, which has a waterfront bordering on any navigable waters, has heretofore adopted proceedings for the acquisition, improvement, and repair of waterfront improvements consisting of dock, wharf, park, and recreational and similar facilities, and the issuance of the revenue bonds of such city payable solely from the revenues to be derived from the operation of such waterfront facilities, under the provisions of the charter of any such city, or any general law of this State, or both, all such proceedings are hereby declared to be binding and effective in accordance with their terms.

#### SECTION 2:

a. Where any such city whose bonds or obligations are validated by this act has adopted proceedings that its municipally owned parks, recreational and waterfront property including its piers and docks, are to be controlled and operated by a board or commission other than the governing body of said city, such proceedings are validated, confirmed, and declared to be effective, and such board or commission is hereby given control, regulation, and supervision over all lands in such city bordering on such navigable waters, including such control over all of the waterfront portions of all land owned by the State of Michigan or any department or agency thereof as may be necessary to give the commission complete control, regulation, and supervision over the use of any piers, docks, wharves, landing places, and other structures on such lands for the embarking or disembarking of passengers carried for hire, all as may be provided in such proceedings.

b. Such city, acting either through its governing body or through such board or commission, is hereby granted the right and authority to license ferries and boats and other commercial craft carrying passengers to and from such city.

c. And to impose fees and charges for the use of all public piers, wharves, docks, and other landing places within the control of such governing body, board, or commission under the provisions of this act or under proceedings taken by the governing body or the electors of such city.

d. And to regulate and license the construction, operation, maintenance, and business of owning and operating private piers, wharves, docks, and other landing places of boats, ferries, and commer-

cial craft on and adjacent to any lands bordering upon such navigable waters and may base such license fees and charges upon the number of passengers using such piers, wharves, docks, or landing places.

e. Or may make such other charges, license fees, and impositions in place of or in addition to those herein before authorized as said governing body, board, or commission shall from time to time determine.

f. Said governing body, board, or commission shall have the power to cancel any and all licenses, issued for the operation of private ferries, boats, commercial craft, docks, piers, wharves, or other landing places within its control for violation of rules and regulations, which it is hereby authorized to enact, covering the construction, operation, and maintenance thereof.

#### SECTION 3:

a. City-owned waterfront facilities leased to any private individual, association, or corporation are valid.

#### SECTION 4:

a. Any such city is authorized to:

1. Issue revenue bonds referred to in Section 1.
2. Take such actions as necessary to issue such bonds.

#### SECTION 5:

(This is a severing clause section.)

#### SECTION 6:

(This is a repeal section.)

} Repealed

### Act 156, Public Acts of 1917, Local Governmental Affairs Act, Chapter 123, Sections 123.51-123.54

An act authorizing cities, villages, counties, townships, and school districts to:

a. Operate systems of public recreation and playgrounds.

#### SECTION 1:

a. Any city, village, county, or township may:

1. Operate a system of public recreation and playgrounds.
2. Acquire, equip, and maintain land, buildings, or other recreational facilities.
3. Employ a superintendent of recreation and assistants.



4. Vote and expend funds for the operation of such a system.

**SECTION 2:**

- a. Any school district may:
1. Operate a system of public recreation and playgrounds.
  2. Vote a tax to provide funds for operating same.
  3. Exercise all other powers listed in Section 1.

**SECTION 3:**

- a. Any city, village, county, township, or school district may:
1. Operate a system of public recreation and playgrounds independently, or
  2. Cooperate in its conduct in any manner in which they may mutually agree, or
  3. Delegate the operation of this system to a Recreation Board created by any or all of them, and
  4. Appropriate money, voted for this purpose, to such board.

**SECTION 4:**

- a. Any municipal corporation or board given charge of the recreation system is authorized to conduct its activities on:
1. Property under its custody and management.
  2. Other public property, under the custody of other municipal corporations or boards, with the consent of such corporations or boards.
  3. Private property, with the consent of the owners.

**Act 199, Public Acts of 1929, Local Governmental Affairs Act, Chapter 123, Sections 123.41-123.46**

An act authorizing villages and townships of less than 10,000 to:

- a. Levy a tax for the purchase and acquisition of land, and maintenance of property of a community recreation center upon a majority vote of the electors.

**SECTION 1:**

- a. The legislative body of any village or township, upon petition of 10% of the voters, shall submit the question for a vote.
- b. Act takes full force when adopted by a majority vote.

**SECTION 2:**

- a. The legislative body is authorized to levy a tax not exceeding two mills for the purchase and/or maintenance of property for a community recreation center.
- b. The tax shall be levied and collected at the same time and in the same manner as other general taxes of the village or township.

**SECTION 3:**

- a. The governing body of the village or township shall appoint a board of directors (six members) to hold office until their successors are elected.
- b. At the next regular election, six directors shall be elected;
1. two for 1-year terms
  2. two for 2-year terms
  3. two for 3-year terms
- c. Thereafter, two directors shall be elected annually to serve three years or until their successors are elected.
- d. Directors receive no compensation.
- e. Vacancies are filled by appointment by the village or township governing body.

**SECTION 4:**

- a. The board of directors shall:
1. Elect one member president.
  2. Elect other officers as deemed necessary.
  3. Prepare an estimate of the money needed for support and maintenance of the community center for the year beginning September 1.
  4. Report this estimate to the assessor for assessment and collection.
  5. Make and adopt by-laws, rules, and regulations as may be expedient for:
    - (a) their own guidance
    - (b) the government of the community house and grounds
  6. Have power to acquire grounds.
  7. Have power to acquire or erect appropriate buildings.
  8. Have supervision, care and custody of the grounds and buildings.
  9. Have authority to employ and fix the compensation of:
    - (a) a community director
    - (b) necessary assistants
  10. Have power to discharge appointees.
  11. Carry out the spirit and intent of the act.
  12. Have charge of expenditure of all money credited to the community fund.
  13. Draw their order on the community fund for all expenses incurred; the governing body shall

cause the order to be paid.

14. Keep a record of the proceedings of the board of directors.

15. Keep a complete record of expenditures.

#### SECTION 5:

a. Use of the community center shall be free to the inhabitants of the township or village in which it is located, subject to rules and regulations adopted by the board of directors.

b. Board of directors may exclude from use of the community building or grounds all persons who willfully violate the regulations.

#### SECTION 6:

a. After adoption of the act, the village or township may remove itself from applicability by following the same procedure followed in adopting the act, *provided* that action is taken only after a petition signed by 10% of the voters is filed with the legislative body at least 90 days prior to the date of re-submission of the question to the people.

### Act 215, Public Acts of 1895, Fourth Class Cities Act, Chapter XX, Sections 100.1-100.3

An act to:

a. Provide for the incorporation of fourth class cities, and

b. Provide for the vacation of incorporation.

#### SECTION 1:

a. Any city may:

1. Acquire, purchase, and erect buildings for city use.

2. Acquire, purchase, and appropriate real estate necessary for public grounds, parks, markets, buildings and other purposes necessary or convenient for the public good.

b. Such buildings and grounds may be sold, leased, and disposed of as occasion may require.

#### SECTION 2:

a. Grounds and buildings for city prisons, work-houses, and other necessary public uses may be purchased, erected, and maintained beyond the city limits.

b. In such event, the city council has authority to enforce all ordinances and police regulations as are applied within the city limits to such grounds and buildings which are necessary for:

1. Care and protection of the buildings and grounds.

2. Management and control of persons kept or confined in same.

#### SECTION 3:

a. The city council shall have authority to:

1. Lay out, establish, and enlarge or vacate and discontinue public grounds and parks within the city.

2. Improve, light, and ornament same.

3. Regulate the use of same.

4. Protect same and the appurtenances of same from obstructions, encroachment, and injury from all nuisances.

### Act 217, Public Acts of 1931, Municipal Forests

Provides for the establishment and maintenance of county, township, city, village and school district forests; supervision of such work; sale of state lands for such purposes; and provides a limitation on the expense of such work.

#### SECTION 1:

M.S.A. 13.281 Definitions.

a. As used in this act, "municipality" shall mean any county, township, city, village, or school district.

#### SECTION 2:

M.S.A. 13.282 Municipality: right to carry on forestry.

a. Any municipality may:

1. Acquire, provide, and use land for forestry purposes.

2. Receive and expend or hold in trust gifts of money or personalty for forestry purposes.

#### SECTION 3:

M.S.A. 13.283 Same: forestry commission, membership, term.

a. The municipality may:

1. Appoint a forestry commission to consist of three members, one of which shall be a member of the legislative body making such appointments. Appointment is for four years, overlapping terms.

#### SECTION 4:

M.S.A. 13.284 Forestry Commission; powers and duties.

a. It shall be the duty of the commission to:

1. Supervise and manage all lands of the municipality devoted to forestry.

2. Provide for the performance of such labor therein.

3. Make reasonable rules and regulations concerning such lands.

4. Expend such moneys as appropriated or received for such purposes.

**SECTION 8:**

M.S.A. 13.288 Appropriation for forestry purposes, limitations.

The legislative body of any county, city, village, or the electors of any township or school district in which a forestry commission has been created may appropriate money to be used by the commission to carry out its purposes.

**SECTION 10:**

M.S.A. 13.290 Disposition of income.

Any income from forest lands shall be paid into the general fund of the municipality and may be set up in a special forestry fund.

**Act 230, Public Acts of 1923, Local Governmental Affairs Act, Chapter 123, Sections 123.861-123.863**

An act authorizing villages, townships, and cities of less than 50,000 to:

a. Levy a tax for the maintenance and employment of a band, *provided* the question be submitted to the voters and adopted by a majority vote.

**SECTION 1:**

a. The legislative body, upon petition of 10% of the qualified voters, shall submit the question to the voters.

b. The act is in full force if adopted by a majority vote.

**SECTION 2:**

a. The legislative body is authorized to levy an annual tax not exceeding two mills for the maintenance and employment, under municipal control, of a band.

**SECTION 3:**

a. Any such village, township, or city may relinquish this authority at any time by following the same procedures as used in adopting the authority, *provided* such action is taken only after a petition signed by 10% of the voters is filed with

the legislative body 60 days before the question is re-submitted to the voters.

**Act 279, Public Acts of 1909, Home Rule Cities Act, as Amended by Act 207, 1949, Chapter 117, Section 117.4e**

An act to:

a. Provide for the incorporation of cities.

b. Provide for revising and amending their charters.

**SECTION 4e:**

a. Each city in its charter shall provide:

1. For the acquisition, either within or outside the city limits, within or outside the county in which the city is located, of:

- (a) boulevards
- (b) streets
- (c) alleys
- (d) public parks
- (e) recreation grounds
- (f) municipal camps
- (g) public grounds
- (h) zoological gardens
- (i) museums
- (j) libraries
- (k) airports
- (l) cemeteries
- (m) public wharves and landings upon navigable waters
- (n) office buildings for city officers and employees
- (o) public buildings of all kinds

2. For the costs and expenses of the above.

3. For the acquisition of private property within or outside the city limits, within or outside the county, for any public use within the scope of its powers, whether specifically mentioned here or not.

(a) If condemnation is used outside the city limits, such proceedings may be brought under the provisions of Act 149 Public Acts of 1911, "An act to provide for the condemnation by state agencies and public corporations of private property for the use of/or benefits of the public . . ."

4. For the maintenance, development, operation, leasing, and disposal of its property subject to any legal restrictions.

5. Provided, that on the sale of any capital asset of a municipally owned utility the money received shall be used in procuring a similar capital asset, or placed in the sinking fund to retire bonds issued for said utility.

**Act 359, Public Acts of 1925, Local Governmental Affairs Act, Chapter 123, Section 123.881**

An act authorizing common council of any city or corporate authority of any village to:

a. Levy a special tax for advertising, publicity, recreation, and exploitation which would encourage the industrial, commercial, educational, and recreational advantages of the city or village.

**SECTION 1:**

a. Common council of any city or corporate authority of any village shall have the power to:

1. Levy a special tax not exceeding four mills, to be used for advertising, exploiting, and making known the industrial, commercial, educational, and recreational advantages of the city or village.

2. Establish recreational and educational projects for the purpose of encouraging immigration and increasing trade, business, and industry, *provided* that any such levy does not exceed \$50,000 in any one year.

**Act 380, Public Acts of 1913, Local Governmental Affairs Act, Chapter 123, Section 123.871**

An act to:

a. Regulate gifts of real and personal property to cities, villages, and other municipal corporations, and to—

b. Validate all gifts made prior to passage of the act.

**SECTION 1:**

a. Any city, village, township, or other municipal corporation may own any gift of real or personal property made by grant or other manner for public parks, grounds, and other public purposes, subject to any restrictions or limitations provided in the grant.

b. No such gift shall be invalid:

1. Because of any informality in the instrument evidencing such a gift, if the intent can be determined.

2. By reason of its contravening any statute or rule against perpetuities.

c. All gifts heretofore made are declared valid, although they violate any statute or rule against perpetuities.

## TOWNSHIPS

### Act 157, Public Acts of 1905, Townships Act, As Amended by Act 32, 1964, Chapter 41, Sections 41.421-41.424

An act to authorize a township or townships to:

- a. Acquire by gift or device real estate and to control the same for free public parks, resorts, bathing beaches, or other places of recreation.
- b. Provide for a board of commissioners to therefore authorize said township or townships by limited tax on property to maintain such park or resort.
- c. Make rules and regulations for control and government of same.

#### SECTION 1:

a. Any township or townships in the state of Michigan, being a contiguous or adjacent territory may:

1. Acquire by gifts or device a tract of real estate contiguous or adjacent to the territory acquiring the same for a free public park, bathing beach, or other place of recreation.

2. Hold such real estate in fee simple for such purposes.

b. The supervisor of each of such townships shall comprise a board of commissioners for the control of such park or resort and in case any such supervisor shall decline to act as such commissioner, then the township board shall designate a member of the township board to act as such commissioner.

c. If only one township is interested in such park, the township board shall be the board of commissioners.

d. Such commissioners shall act in that capacity during the term of office to which they were elected, respectively, in their townships and until their successors are elected and qualified.

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

#### SECTION 2:

a. Such board of commissioners shall have the power to:

1. Adopt rules and regulations for the use and maintenance of such park, resort, bathing beach, or other place of recreation, including the hours which this same shall be open to the public.

2. Make leases for the purpose of erecting cottages and other necessary buildings under rules and regulations it deems expedient: provided, that under such lease no spirituous or malt liquors shall be sold on the premises.

3. A charge for admission may be made by the board, but the charge shall not exceed the charge for admission to state parks of this state.

4. Funds received for such admissions shall be used for the improvement of the places of recreation.

#### SECTION 3:

a. Such board of commissioners shall annually:

1. Elect one of its members as president.
2. Elect a secretary and treasurer.
3. Appoint such other officers or employees as it may be deemed necessary.

b. The secretary shall keep a correct record of all transactions of the board of commissioners, which shall be a public record and may be inspected at all times by any taxpayer residing in any township owning an interest in such park or resort as a grantee.

c. The treasurer shall give a bond in the penal sum of \$6,000.

#### SECTION 4:

a. Any plan for securing such park or resort shall:

1. Fully set forth the premises which it is intended to occupy as a park or resort.

2. Specify the sum which each of said townships will raise by tax each year for the maintenance and support thereof, which shall not be less than one-tenth of a mill or more than five mills on the respective valuation of each of said townships.

b. Said moneys so received shall be paid to the respective treasurer of said board of commissioners, and shall be paid out on orders drawn on him, signed by the chairman and secretary of the board.

c. The full proposition shall be:

1. Submitted to the qualified electors of each township at a regular or special election.

2. A binding contract on such township if adopted by a majority vote.

3. Recorded in the office of the registrar of deeds in the county or counties in which lands shall be situated.

d. The manner of conducting, noticing, canvassing, and returning and declaring the election results shall, as near as may be, be the same as the general election law governing elections in said townships for the election of township officers.

#### SECTION 5:

a. The estate owned by township or townships, both real and personal, shall be exempt from taxes, but all improvements, under lease for private use shall be liable to tax.

### Act 271, Public Acts of 1931, Townships Act, As Amended by Act 33, 1962, Chapter 41, Sections 41.441-41.446

An act to provide for:

a. Acquisition, maintenance, management, and control of township parks and places of recreation.

b. Powers and duties of the township board in respect thereto.

c. Creation of a township park commission.

d. Election, compensation, powers, and duties of commission members.

e. Issuance of bonds and/or the levy of taxes thereof.

#### SECTION 1:

a. The township board, on receipt of a written petition signed by 50 feeholders and taxpayers of any township, shall, at its first meeting:

1. Submit to the registered and qualified electors of the township at the next regular township election the question of establishing a township park commission.

2. In event of a favorable vote, the township board shall appoint a township park commission of six members who shall serve until the next biennial township election.

b. At such election:

1. Two members of such commission shall be elected for a term of two years.

2. Two members for a term of four years.

3. Two members for a term of six years.

4. At each succeeding biennial township election, two members of such commission shall be elected for a term of six years.

c. This subsection deleted in Act 33, Public Acts of 1962.

#### SECTION 2:

a. The township park commission shall have authority to:

1. Acquire, maintain, manage, and control township parks, and places of recreation, including bathing beaches.

2. Condemn land for such purposes in the name of the township and in accordance with the condemnation laws of this state.

b. The township park commission shall be authorized to accept in the name of the township:

1. Gifts, grants, and devices of land suitable for parks and places of recreation.

2. Gifts and bequests of money, such money to be held in trust and used for the acquisition and improvement of land suitable for park and recreation purposes.

#### SECTION 3:

a. Members of the township park commission shall receive as compensation:

1. \$1.00 for attendance at any meeting of the commission, and,

2. \$.10 traveling expenses for each mile to and from such meetings.

b. The commission shall be authorized to employ such clerical assistants and incur such other expenses as shall be necessary to carry out the provisions of this act.

c. The compensation and expenses provided for under the provisions of this section shall be paid from the park maintenance fund hereinafter provided for.

#### SECTION 4:

a. The township park commission shall:

1. Submit to the township board at its annual meeting a detailed budget covering the cost of maintenance of the township parks and places of recreation for the ensuing year, such budget not to exceed one and one-half mill on the assessed valuation of such township.

b. The township board shall examine such budget and shall approve the entire budget, or such part thereof as such board shall deem reasonable and necessary.

c. Such sum shall be incorporated into the tax on the township.

d. When collected, such sum shall be deposited by the township treasurer in a fund to be known as the park maintenance fund.

e. Expenditures from this fund shall be in vouchers signed by the members of the township park commission, and it shall be the duty of the township treasurer to allow and pay such vouchers on presentation to him.

f. The provisions of the general property tax law shall govern this assessment, levy and collection of such tax.

#### SECTION 5:

a. The township park commission shall be authorized to submit to the voters at the annual township meeting the question of issuance of township bonds.

b. Proceeds of such bonds shall be used in the acquisition of lands for township parks and places of recreation.

c. A three-fifths majority vote of the qualified voters voting thereon shall authorize the issuance of such township bonds.

d. The issuance of such bonds shall be governed by the provisions of Act 202 of the Public Acts of 1943, as amended:

1. Provided, that where the township, at the time of such annual meeting, has no outstanding indebtedness, bonded or otherwise, and where the amount of the total proposed acquisition cost is less than one percent of the assessed valuation of the township, the voters of the township may at such annual meeting, authorize and direct the township park commission to purchase or condemn, as the case may be, designated lands for township parks and places of recreation and may, in such cases, direct the township board to pay annually to the township park commission such available portions of contingent funds of the township as may be necessary to pay for such acquisition of lands:

2. Provided further, that the voters of the township shall, in such said case and at such annual meeting, determine the maximum amount to be paid for such lands and shall also prescribe, where acquisition is made by purchase instead of condemnation, the terms of payment thereof.

#### SECTION 5A:

a. Whenever the whole of a lot or parcel of land is, or has been, acquired under this act by a township park commission, the commission is authorized, subject to approval of the township board, to sell and convey the portion or portions not needed, on whatever the terms the park commission may deem proper.

#### SECTION 6:

a. The township park commission shall:

1. Make a detailed annual report concerning township parks and places of recreation to the township board and board of state auditors.

2. File such report at the time of the annual meeting of the township board.

3. Prepare such report in form and to contain such information as the board of state auditors shall direct.

#### SECTION 7:

This was a severing clause section.  
Repealed.

### Act 286, Public Acts of 1923, Townships Act, Chapter 41, Sections 41.481-41.482

An act enabling townships to:

a. Construct and maintain public wharves, piers, docks, and landing places.

#### SECTION 1:

a. Any township abutting on navigable water may:

1. Acquire, construct and maintain public wharves, piers, docks, and landing places.

2. Lease and control the same.

b. A township board shall act for the township in acquiring, constructing, and maintaining these facilities when authorized to do so by a three-fifths vote at any general or special election.

#### SECTION 2:

a. All proceedings taken under this act shall be done by a township board.

b. The township board is granted powers exer-

cised by the township Highway Commission in acquiring land.

- c. Township board is granted the right to:
  1. Acquire land for wharves and like facilities.
  2. Lay out, construct, and maintain same, in accordance with the same proceedings as taken by the township Highway Commissioner for acquiring land and constructing and maintaining highways.
  - d. A general highway law is expanded to include wharves, piers, docks, and landing places, subject to the provisions contained in this act.

### **Act 300, Public Acts of 1939, Townships Act, Chapter 41, Section 41.431**

An act authorizing township boards to:

- a. Transfer to county park trustees the title to, or
- b. Arrange with county park trustees to improve, maintain, manage and control any lands held for park purposes by any township, including all public places vested in any township by virtue of the dedication of any plat duly approved and rewarded according to law.

#### **SECTION 1:**

- a. Any township board is authorized to:
  1. Transfer and convey to the Board of County Park Trustees of any county in which said township is located the title to any lands held by such township for park purposes, including any lands acquired by such township through the dedication of any plat duly approved and recorded, or—
  2. Arrange with said Board of County Park Trustees for the improvement, maintenance, management, and control of such land.

b. Upon acceptance by the county park trustees, of any such transfer and conveyance, or upon the making of such arrangement for the care, management, and control, the said county park trustees shall be:

1. Charged with all the duties relating thereto as are provided by Act 90 of the Public Acts of 1913, as amended relating to parks and other public places.

NOTE: Act 90, 1913, is amended by Act 165, P.A. 1953, 123.61-123.67, C.L. 1948 and CLS 1956, 33 123.66 and 123.68.

### **Act 307, Public Acts of 1941, Townships Act, Chapter 41, Section 41.461**

An act authorizing cities and other municipalities to:

- a. Appropriate money for the acquisition, support, maintenance, and improvement of township parks, and places of recreation including bathing beaches.

#### **SECTION 1:**

- a. The legislative body of any city or village is authorized to appropriate out of general or contingent funds, such money as it deems desirable, to contribute toward the cost of acquisition, support, maintenance, upkeep, and improvement of land acquired by any township(s) for use as a free public park, resort, bathing beach, or other place of recreation.
- b. Such contributions shall be made to the park commission created by the act under which the park site was or shall be acquired.



## METROPOLITAN DISTRICTS

### Act 147, Public Acts of 1939, Huron-Clinton Metropolitan Authority Act, Chapter 119, Sections 119.51-119.61

An act to provide for the incorporation of the Huron-Clinton Metropolitan Authority; to permit the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb or certain of such counties, to join in a metropolitan district for planning, promoting, and/or for acquiring, constructing, owning, developing, maintaining, and operating, either within or without their limits, parks, connecting drives, and/or limited access highways; to provide for the assessment, levy, collection, and return of taxes thereof; to provide for the issuance of revenue bonds; to authorize condemnation proceedings; and to provide a referendum thereon.

#### SECTION 1:

119.51 Huron-Clinton Metropolitan Authority; incorporation, counties.

As may be hereinafter provided in this act, the counties of Wayne, Washtenaw, Livingston, Oakland and Macomb, or certain of such counties may by vote of the electorate thereof, join to form a metropolitan district as a body corporate, to be known as the Huron-Clinton Metropolitan Authority, for the purpose of planning, promoting, and/or for acquiring, constructing, owning, developing, maintaining, and operating, either within or without their limits, parks and/or limited access highways, as well as such connecting drives as may be deemed necessary or convenient to provide access to and between the same.

#### SECTION 2:

119.52 Definitions.

As used in this act, parks shall be defined as areas of land, with or without water, developed and

used for public recreational purposes, including landscaped tracts, picnic grounds, playgrounds, athletic fields, camps, foot, bicycle and bridle paths, motor vehicle drives, wildlife sanctuaries, museums, zoological and botanical gardens, facilities for bathing, hunting and fishing, as well as other recreational facilities for the use and benefit of the public.

Limited access highways shall be defined as highways especially designed for through traffic, over which owners or occupants of abutting land have no easement or right of light, air or access by reason of the fact that their property abuts on the highway. Such highways may be parkways, with or without landscaped roadsides, from which trucks, buses, and other commercial vehicles are excluded, or they may be freeways open to use by all common forms of highway traffic.

Connecting drives shall be defined as boulevards, or free access roads, with or without park-like features, leading to or connecting parks and/or limited access highways.

#### SECTION 3:

119.53 Powers; cooperation; charges; succession to rights; vote.

The Huron-Clinton Metropolitan Authority, either acting alone or in cooperation with the Department of Conservation, the State Highway Department, any board of county road commissioners, or any federal or other state or local body having authority to make plans for and promote, and/or to acquire, construct, own, operate, and maintain, within or without the limits of the metropolitan district, parks, connecting drives, and/or limited access highways. Said authority may fix and collect fees and charges for use of facilities under its control, and, for its uses, may sell or purchase lands and may acquire and succeed to any or all the rights,

obligations, and property pertaining to parks or highways of the state or of any county, city, village or township comprising territory within the limits of the said metropolitan district: Provided, that no county, city, village or township shall surrender any such rights, obligations, or property without the approval of a majority vote of the electors of any such county, city, village or township, voting on such proposition.

**SECTION 4:**

119.54 Board of Commissioners; election and appointment, term.

The Huron-Clinton Metropolitan Authority shall be directed and governed by a board of commissioners, one to be elected from each county of the metropolitan district by the boards of supervisors of the respective counties, and two to be appointed by the governor of Michigan. The elected commissioners shall be electors of their respective counties, and the appointed commissioners shall be electors of the metropolitan district. The appointed commissioners shall serve for four-year terms or until their successors are appointed, except that for the first board one shall be appointed for a two-year term. The terms of the elected commissioners shall be staggered so that not more than one term shall expire in any one year, and after the first board no terms shall be less than six years. For the first board, the terms of the elected commissioners shall be in the order of the populations of the several counties, the commissioner from the most populous county having the longest term.

**SECTION 5:**

119.55 Same; meetings; organization; employees.

The commissioners shall hold a meeting within one month after their selection, on the call of the chairman of the board of supervisors of the most populous county of the metropolitan district, at such time and place as he may designate. Such meeting shall elect a chairman, who must be a member of the board of commissioners, and a secretary and a treasurer, who need not be members. The board shall also, from time to time select and employ such other officers and employees and engage such services as shall be deemed necessary to effectuate its purposes.

**SECTION 6:**

119.56 Same; records; account; treasurer's bond.

The commissioners shall cause to be kept a written or printed record of every session of the board, which record shall be public. They shall also provide for a system of accounts to conform to any

uniform system required by law, and for the auditing at least once yearly of the accounts of the treasurer by a competent certified public accountant or by the auditor general of the state. The board shall require of the treasurer a suitable bond by a responsible bonding company, such bond to be paid for by the board.

**SECTION 7:**

119.57 Same; levy of tax, procedure.

The commissioners may levy for the purposes of the authority a tax of not more than one-fourth mill upon each dollar of the assessed value of the property of the district. The board shall ascertain the total taxes or appropriation required for any year and shall thereupon certify to the board of supervisors of each county comprising the district the necessary tax rate to raise such amount, which shall be uniform in the district, and shall take into consideration the ratio that the total assessed valuation of each respective county bears to the total assessed value of all property, real and personal in the said entire district according to the last assessments in each of said respective counties. All taxes shall be assessed, levied, collected, and returned as county taxes under the general property tax law. All moneys collected by any tax collecting officer from the tax levied under the provisions of this section shall be transmitted to the authority to be disbursed as provided in this act.

The subjects of taxation for the district purposes shall be the same as for state, county, and school purposes under the general law.

**SECTION 8:**

119.58 Revenue bonds; issuance; lien.

For the purposes of acquiring, purchasing, constructing, improving, enlarging, extending, or repairing any revenue-producing recreational facilities, the commissioners may issue self-liquidating bonds in accordance with the provisions of Act No. 94 of the Public Acts of 1933, as amended. Such bonds shall not impose any liability upon the district, but shall be secured only by the property and revenues of the facilities for the purchase and construction of which they were issued. Such bonds shall not be sold for less than par, and shall bear interest at a rate not in excess of 6%. The commissioners shall have power to create a lien on such facilities as security, for the payment of the bonds.

**SECTION 9:**

119.59 Property; purchase by gift or device; condemnation, procedure.

For the purpose of the authority as herein de-

fined, the commissioners may purchase, accept by gift or device or condemn private property. If by condemnation, the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 3763 to 3783, inclusive, of the Compiled Laws of 1929, or such other appropriate provisions therefore, as exist or shall be made by law, may be adopted and used for the purpose of instituting and prosecuting such condemnation proceedings.

**SECTION 10:**

119.60 Referendum.

The foregoing local act shall be submitted to the electors of the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb at the regular election in November, 1940. The secretary of state is hereby required to certify the said local act to the various clerks of the several counties named in the manner required by law. It shall be the duty of the board of election commissioners of each county above named to prepare ballots for the use of electors in all precincts in the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb, in the manner required by law, which ballots after setting forth the foregoing local act in full, shall be in substantially the following form:

"Vote on local act incorporating into the Huron-Clinton Metropolitan Authority the metropolitan district including the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb."

"Shall the above local act be approved and adopted?"

"Yes  No

It shall be the duty of the board of election commissioners in each above named county to deliver the ballots so prepared to the inspectors under the general election law. All votes cast upon said local act shall be counted, canvassed, and returned in the same manner as is provided by law for counting, canvassing, and returning votes cast for the state officers.

**SECTION 11:**

119.61 Same; approval by two or more counties; resubmission; governing body.

If a majority of the electors voting thereon at any

election in two or more of the above named counties, which are contiguous, shall vote "yes" on the proposal, then all the counties so approving shall constitute a metropolitan district, and the Huron-Clinton Metropolitan Authority shall be a corporation having all the powers, duties, and obligations provided for in this act.

The governing board shall consist of the two commissioners appointed by the governor and of the elected commissioners from the counties so approving.

If a majority of the electors in any county should vote "No" on the approval of a Huron-Clinton Metropolitan Authority, the project may again be submitted to the electors in such county or counties, by their respective boards of supervisors or by petitions signed by at least 10% of the electors therein. Such county or counties shall become part of the metropolitan district whenever at a later election a majority of the electors in such county or counties shall vote "Yes."

NOTE: This act has been adopted by the counties of Wayne, Washtenaw, Livingston, Oakland, and Macomb.

**SECTION 12:**

(This was a severing clause section.)  
Repealed.

**Act 312, Public Acts of 1929, Metropolitan District Act, Chapter 119, Section 119.1**

Any two or more cities, villages or townships or any combination or parts thereof, may incorporate into a metropolitan district or districts comprising territory within their respective limits for the purpose of acquiring, owning, operating, and maintaining either within or without their limits, as may be established hereunder, parks or public utilities for supplying sewage disposal, drainage, and water or transportation or any combination thereof. Each organized district hereunder shall be a body corporate.

## COUNTIES

### Act 90, Public Acts of 1913, Local Governmental Affairs Act, As Amended by Act 165, 1953, Chapter 123, Sections 123.61-123.67

An act authorizing county boards of supervisors to:

- a. Purchase, condemn, accept gifts and devices of real estate for and to improve, maintain public parks, zoological gardens, airports, and landing fields.
- b. Contribute to the improvement and maintenance of same when owned or held in trust by cities, villages, or townships, or used for the benefit of the public.
- c. Make reasonable rules and regulations relative to the public use of park property.
- d. Provide penalties for violations of such rules and regulations.

#### SECTION 1:

a. County boards of supervisors are authorized and empowered to:

1. Purchase, acquire by condemnation, and accept gifts and devices of real estate for public parks, public zoological gardens, airports, and landing fields either or both, when such lands lie within the boundaries of their respective counties or within the boundaries of any adjoining county.

2. Make appropriations covering costs of such purchase or acquisition by condemnation and incidental to the acceptance of such gift: provided when such lands are acquired in such manner by any county adjoining a county wherein such lands are situated, they shall be conveyed or devised to each county jointly: provided further that a two-thirds vote of the members elect of a board of supervisors shall be necessary to authorize the purchase or condemnation of real estate for such enumerated public purposes.

#### SECTION 2:

a. The boards of supervisors are authorized to:

1. Make appropriations for the improvement and maintenance of such public parks, public zoological garden property, airports, and landing fields as have been purchased or acquired by condemnation or accepted by gift or device or if used for the benefit of the public.

#### SECTION 3:

a. The boards of supervisors are authorized and empowered to:

1. Make appropriations toward improvement and maintenance of such public parks, public zoological gardens, and airports, either owned or held in trust by any township, city, or village within their respective counties or in adjoining county or by two or more adjoining counties.

#### SECTION 4:

a. The boards of supervisors may raise by tax on the property within the county, subject to taxation for county purposes, for the purpose of:

1. Purchasing or acquiring property by condemnation for such public parks, airports, and other authorized purposes.

2. Improving and maintaining property so purchased or acquired or accepted.

3. Contributing toward maintenance of such property (public parks and airports) owned or held in trust by townships, cities, villages, or adjoining counties, or if used for the benefit of the public.

b. The board of supervisors may raise such tax on the property within the county subject to taxation for county purposes:

1. Such sum as said board of supervisors may deem needful.

2. Said sum or sums to be raised by tax in the manner provided by law for other county taxes.

3. Said tax shall never exceed in any one year

one-fourth of one mill on the assessed valuation of the county.

4. Provided, that in counties having an assessed valuation of less than \$8,000,000 the sum raised by tax, as herein provided, may equal but shall not exceed \$2,000.

#### SECTION 5:

a. The powers and authority granted in this act shall be deemed to include power and authority to:

1. Purchase and accept gifts of lands for boulevards and highways to be laid out as boulevards by county authority.

2. Improve the same.

b. The words "parks owned or held in trust by townships, cities, and villages" shall be deemed to include:

1. Boulevards or highways or streets laid out as boulevards and owned or held in trust by the municipalities aforesaid.

#### SECTION 6:

a. Whenever the board of supervisors of any county shall have adopted their resolution to purchase, condemn or to accept certain lands for park purposes and make an appropriation therefor under the provisions of Sections 1 and 2 of this act, there shall be created:

1. A board of three members to be known and designated as "county park trustees."

b. In counties operating under the county road system, the board of county road commissioners is hereby designated and shall then act as the county park trustees.

c. In all other counties the board of supervisors, at the time of making the appropriation above provided for, shall name and appoint from their number three members to be known and designated as county park trustees.

d. Said board of trustees shall:

1. Have the management, control and expenditure of such funds when collected, and

2. Shall hold in trust for the county the title to any real estate so purchased, acquired by condemnation or accepted by way of gift or device for park purposes, and,

3. Shall supervise the improvement of any such property so purchased, acquired, or accepted as authorized by the board of supervisors.

e. Said board of trustees shall:

1. Have the power to impound water on any property so purchased, acquired by condemnation, or accepted for park purposes and to form a lake thereon whenever they deem it necessary in the

course of improving such property for park purposes.

f. Such trustees shall also have the care and control of such park property and may make reasonable rules and regulations and enforce the same when made respecting the use by the public for such park property.

g. Provided, that no such rules or regulations shall become effective until:

1. It has been approved by resolution of the board of supervisors.

2. Such resolution containing such rule or regulation has been published at least once in a newspaper of general circulation within the county, and,

3. Such rule or regulation has been posted in at least three conspicuous places in such park property, the posters to be not less than 10 inches by 12 inches in size and printed in legible type. Such posting shall be continuously maintained.

h. The county park trustees shall elect a chairman and secretary from among their number.

i. All expenditures of funds so appropriated shall be paid only by the county treasurer under warrant or voucher of the chairman and one other member of such board.

j. The trustees so appointed shall make a full report to the board of supervisors at each October session on the condition of property and expenditures of funds.

k. The members of such board of county park trustees shall continue to act until their successors have been duly elected or appointed.

l. In all counties of this state operating under the county road system when this act takes effect:

1. The board of "county park trustees" heretofore appointed shall be immediately dissolved and cease to exist, and,

2. The board of county road commissioners shall take the place thereof and thereafter exercise the powers and perform the duties of county park trustees, taking possession of all books, records, and office equipment of such former board.

#### SECTION 6A:

NOTE: (This subsection on airports and landing fields deleted from the report.)

#### SECTION 7:

a. Funds appropriated and collected for purposes of contributing to the maintenance of public parks, other enumerated purposes, and airports, owned by counties, townships, cities, and villages, under the provisions of Section 3 hereof, shall:

1. Be paid by the county treasurer to the treas-

urer of the municipality owning such park.

b. Any county, township, city, or village misapplying the portion of its funds shall:

1. Be liable to the county in the full sum so contributed, and,

2. For all costs and expenses incidental to the recovery of the same.

c. Any person or official:

1. Who shall cause or assist in the misapplication of such funds shall be deemed guilty of a misdemeanor, and,

2. Shall, on conviction thereof, be subject to a fine of not less than \$100 and not more than \$1,000 or,

3. To imprisonment in the county jail for not more than six months, or,

4. To both such fine and imprisonment in the discretion of the court.

#### SECTION 8:

a. Any person who shall violate the posted rules and regulations made pursuant to Section 6 of this act shall be guilty of a misdemeanor, punishable by a fine of not to exceed \$50.

#### Act 302, Public Acts of 1915, Michigan Motor Vehicle Act, Chapter 256, Section 256.34, Subsection 5 (E)

... the portion of said funds apportioned to the county under the provisions of subsection (5) of this section shall be used and expended for the following purposes and in the following order of priority, the amount to be devoted to any one of the following purposes to be determined by the Board of County Road Commissioners, subject to the approval of the Board of Supervisors, vis.:

1. The improvement, repair, and maintenance of county roads and bridges in such amounts as shall be determined by the Board of County Road Commissioners; and the payment of the compensation and expenses of members of the Board of County Road Commissioners.

2. The maintenance of additional mileage of township roads selected and determined upon in accordance with the provisions of Act 130, "The Public Acts of 1931," and the widening, improvement, and construction of county roads subject to the approval of the Board of Supervisors.

3. The maintenance, improvement, and acquisition of county roadside parks and parkways in such amounts as shall be determined by the Board of County Road Commissioners subject to the approval of the Board of Supervisors.

## COUNTIES AND REGIONS

### Act 261, Public Acts of 1965

An act to authorize the creation and to prescribe the powers and duties of county and regional parks and recreation commissions; and to prescribe the powers and duties of county boards of supervisors with respect thereto.

#### SECTION 1:

The board of supervisors of any county, by resolution adopted by a two-thirds vote of all its members, may create a county parks and recreation commission which shall be under the general control of the board. The commission shall consist of 10 members including the chairman of the county road commission, the county drain commissioner, the chairman of the county planning commission and seven members appointed by the board of supervisors, at least one and not more than three of whom shall be members of the board. Of the members first appointed, two shall be appointed for a term ending one year from the following January 1, two for a term ending two years from the following January 1, and three for a term ending three years from the following January 1. Thereafter, each appointed member shall be appointed for a term of three years and until his successor is appointed and qualified. Each term shall expire at noon on January 1. A vacancy shall be filled by the board of supervisors for the unexpired term. The commission shall be deemed an agency of the county. The board of supervisors may make such rules and regulations in respect to the commission as it deems advisable. The members of the commission shall not be full-time officers, and the board of supervisors shall fix the compensation of the members.

#### SECTION 2:

The boards of supervisors of two or more contiguous counties, by resolution adopted by a two-

thirds vote of the members of each board, may create a regional parks and recreation commission. The commission shall consist of four members from each county including the chairman of the county road commission, and three members appointed by the board of supervisors, at least one and not more than two of whom shall be members of the board. Of the members first appointed, one each shall be appointed for terms ending one, two and three years from the following January 1. Thereafter, each appointed member shall be appointed for a term of three years and until his successor is appointed and qualified. A vacancy shall be filled by the board of supervisors for the unexpired term. Members of the commission shall not be full-time officers, and the commission shall fix the compensation of its members.

#### SECTION 3:

Each January a county commission and a regional commission shall elect from its membership a president, a secretary and such other officers as it deems necessary, who shall hold office for the calendar year in which elected and until their successors are elected and qualified. A majority of the members of the commission shall constitute a quorum for the transaction of business. The board of supervisors may authorize a county commission to adopt bylaws and enter into contracts. A regional commission may adopt bylaws and enter into contracts.

#### SECTION 4:

The board of supervisors in its annual budget may provide for the expenses of a county commission, which shall be limited in its expenditures to amounts so appropriated unless a further appropriation is made by the board of supervisors.

**SECTION 5:**

The boards of supervisors of each county included in a region shall provide funds for a regional commission's operations by an appropriation from the general fund of the county, or by a tax levy for this purpose authorized by a vote of the qualified electors in each county. The commission annually shall present a budget to the boards of supervisors of the counties in the region. Upon approval of such budget by a majority of each of the boards of supervisors, the proposed budget shall be effective in all counties in the region. That part of the approved budget which is not financed by receipts from fees, gifts and other private sources shall be apportioned among the several counties on the basis of tax valuation. All appropriations shall be paid to the commission and disbursed under its direction.

**SECTION 6:**

A county or regional commission may study and ascertain the county or regions park, preserve, parkway and recreation and other conservation facilities, the need for such facilities and the extent to which such needs are being currently met, and prepare and adopt a coordinated plan of areas and facilities to meet such needs.

**SECTION 7:**

A county or regional commission shall file with and obtain the approval of the state conservation department of all proposals for acquisition of land and of general development plans and programs for the improvement and maintenance thereof before any such program shall be executed.

**SECTION 8:**

A county commission may acquire in the name of the county and a regional commission may acquire in its name by gift, purchase, lease, agreement, or otherwise, in fee or with conditions, suitable real property, within the county or region, or contiguous with or adjacent thereto, for public parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, lands reserved for flood conditions for impounding runoff water, and other conservation purposes. In acquiring or accepting land, due consideration shall be given to its scenic, historic, archaeological, recreational or other special features.

**SECTION 9:**

A county operating under this act or a regional commission may take private property necessary for any purpose within the scope of its powers under this act, for the use or benefit of the public, and institute and prosecute proceedings for that

purpose under and in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Compiled Laws of 1948.

**SECTION 10:**

A county commission may accept in the name of the county and a regional commission may accept in its name gifts, bequests, contributions and appropriations of money and other personal property for conservation purposes.

**SECTION 11:**

A county or regional commission may plan, develop, preserve, administer, maintain and operate park and recreational places and facilities and construct, reconstruct, alter and renew buildings and other structures.

**SECTION 12:**

A county or regional commission shall have the custody, control and management of all real and personal property acquired by the county or a regional commission for public parks, preserves, parkways, playgrounds, recreation centers, wildlife areas, lands reserved for flood conditions for impounding runoff water, and other county conservation or recreation purposes.

**SECTION 13:**

A county or regional commission may install and maintain road and parking facilities within areas under its control.

**SECTION 14:**

A county or regional commission may make, amend or repeal rules and regulations for the protection, regulation and control of all its facilities and areas.

**SECTION 15:**

A county or regional commission may charge and collect reasonable fees for the use of the facilities, privileges and conveniences provided. All charges and fees for the use of county facilities, privileges and conveniences shall be paid over to the county treasurer, and for the use of regional facilities, privileges and conveniences shall be used for the expenses of the regional commission.

**SECTION 16:**

A county commission may employ such personnel as may be authorized by the board of supervisors, including an executive officer. A regional commission may employ its personnel, including an executive officer.



## STATE RECREATION ASSISTANCE

### Act 326, Public Acts of 1965

An act to establish a state recreation division in the department of conservation; to provide technical and advisory services in the development and promotion of recreation programs; to encourage the constructive use of leisure time; to prescribe its powers and duties.

#### SECTION 1:

There shall be established a state recreation and cultural arts section in the department of conservation.

#### SECTION 2:

The head of the state recreation and cultural arts section shall be a person widely experienced in community recreation and shall be directly responsible to the deputy director of staff.

#### SECTION 3:

The state recreation and cultural arts section shall provide technical advice and guidance to the political subdivisions of this state and other interested groups and agencies in the planning and development of recreation programs, areas and facilities including but not limited to creative and cultural activities, and programs for senior citizens, the handicapped and the culturally deprived. The section shall collect and disseminate necessary data and information relating to its duties and shall maintain a cooperative relationship with the tourist, resort and educational extension services of the universities, the Michigan tourist council, Michigan's four regional tourist associations and the various federal agencies.

#### SECTION 4:

The section shall provide staff for each of the department of conservation's regional headquarters.

#### SECTION 5:

The governor shall appoint 15 members to act as an advisory committee for the state recreation and cultural arts section. Members of the committee shall serve without compensation for terms of four years. The advisory committee shall provide continual representation of citizen interest, need and participation in a wide variety of leisure time pursuits.

#### SECTION 6:

The director of the department of conservation may reassign existing employees of the department or employ staff necessary to carry out the provisions of this act.

#### SECTION 7:

The conservation commission, upon recommendation of the director of conservation and of the chief of the state recreation and cultural arts section, shall make rules and regulations necessary for the establishment and the carrying out of the provisions of this act in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948.

## FEDERAL RECREATION ASSISTANCE

### Act 316, Public Acts of 1965

An act to authorize participation by this state and its subdivisions in programs of federal assistance relating to the planning and development of outdoor recreation resources and facilities; and to prescribe the functions of the department of conservation related thereto.

#### SECTION 1:

The department of conservation is authorized to prepare, maintain and keep up-to-date a comprehensive plan for the development of the outdoor recreation resources of the state.

#### SECTION 2:

The department of conservation may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. It may enter into contracts and agreements with the United States or any appropriate agency thereof, keep financial and other records relating thereto, and furnish to appropriate officials and agencies of the United States such reports and information as may be reasonably necessary to enable such officials and agencies to perform their duties under such programs. In connection with obtaining the benefits of any such program, the department of conservation shall coordinate its activities with and represent the interests of all agencies and subdivisions of the state having interests in the planning, development and maintenance of outdoor recreation resources and facilities.

#### SECTION 3:

Grants-in-aid received from the federal land and water conservation fund act shall be deposited in the state treasury and disbursed to agencies and subdivisions of the state upon authorization of the department of conservation. Such apportionments

of federal funds received on or before June 30, 1968, shall be made available in the ratio of 50 per centum for state projects and 50 per centum for projects proposed by subdivisions of the state, but the director of the Michigan department of conservation may vary said percentages by not more than 10 points either way to meet the current relative needs for recreational lands and facilities as indicated by the comprehensive recreational plan. In the apportionment of funds to subdivisions of the state the director of conservation shall give special consideration to those subdivisions where population density and land and facility needs are greatest.

#### SECTION 4:

The department of conservation shall make no commitment or enter into any agreement pursuant to an exercise of authority under this act until the legislature has appropriated sufficient funds to it for meeting the state's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under authority of this act, such areas and facilities shall be publicly maintained for outdoor recreation purposes. The department of conservation may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal-aid funds on behalf of any subdivision of this state, if such subdivision gives necessary assurances to the department of conservation that it has available sufficient funds to meet its share, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of the subdivision for public outdoor recreation use.

#### SECTION 5:

This act shall take effect on July 1, 1965.

## SCHOOLS AND SCHOOL DISTRICTS

### Act 258, Public Acts of 1965

An act to amend section 681 of Act No. 269 of the Public Acts of 1955, entitled "An act to provide a system of public instruction and primary schools; to provide for the classification, organization, regulation and maintenance of schools and school districts; to prescribe their rights, powers, duties and privileges; to provide for registration of school districts, and to prescribe powers and duties with respect thereto; to provide for and prescribe the powers and duties of certain boards and officials; to prescribe penalties; and to repeal certain acts and parts of acts," as last amended by Act No. 67 of the Public Acts of the Second Extra Session of 1963, being section 340.681 of the Compiled Laws of 1948.

#### SECTION 1:

Section 681 of Act No. 269 of the Public Acts of 1955, as last amended by Act No. 67 of the Public Acts of the Second Extra Session of 1963, being section 340.681 of the Compiled Laws of 1948, is hereby amended to read as follows:

#### SECTION 681:

Any school district, by a majority vote of the registered school tax electors voting on the question at an annual or special election called for that purpose, may borrow money and issue bonds of the district to defray all or any part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping or re-equipping school buildings, structures, athletic fields, playgrounds, or other facilities, or any parts thereof or additions thereto; acquiring, preparing, developing or improving sites, or any parts thereof or additions thereto, for school buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire

a site or addition thereto for school purposes; refunding all or any part of existing bonded indebtedness; or the accomplishing of any combination of the foregoing purposes. No school district shall issue bonds under this chapter for an amount greater than 15% of the total assessed valuation of the district, nor shall the bonded indebtedness of a district extend beyond a period of 30 years for money borrowed. Refunding bonds or the refunding part of any such bond issue shall not be deemed to be within the 15% limitation but shall be deemed to be authorized in addition thereto. Any bond qualified under section 16 of article 9 of the 1963 state constitution and any implementing legislation shall not be included for purposes of calculating the foregoing 15% limitation.

### Act 269, Public Acts of 1955, School Code Act

Part 2, Chapter 8, M.S.A. 15.3580. Use of school property as community or recreation centers; rules and regulations: damages, fees.

#### SECTION 580:

A provision authorizing school boards to:

1. Grant use of school grounds and school houses as recreation centers.
2. Prescribe rules and regulations on use, cost and damage.
  - a. The school board of any school district in this state, upon the written application of any responsible organization located in said school district, or of a group of at least seven citizens of said school district, may grant the use of all school grounds and school houses as community or recreation centers for the entertainment and education of the people, including the adults and children of school age, and for the discussion of all topics tending to the development of personal character and of civic welfare.

b. Such occupation, however, shall not seriously infringe upon the original and necessary uses of the properties.

c. The school board in charge of such building shall prescribe such rules and regulations for their occupancy and use as herein provided as will secure a fair, reasonable, and impartial use of the same.

d. The organization or group of citizens applying for the use of properties as specified above shall be responsible for any damage done them over and above ordinary wear, and shall, if necessary, pay such use or rental fee as may be determined by the board.

Part 2, Chapter 9, M.S.A. 15.3602. Camp for recreational and instructional purposes.

#### **SECTION 602:**

A provision authorizing that:

a. School districts may operate and maintain camps. The board of education of any school district except primary school districts may operate and maintain a camp or camps for resident and non-resident pupils for recreational and instructional purposes; or may cooperate with boards of another school district or the governing body of any other municipality of the state or with individuals in the operation and maintenance of such camps in any manner in which they may mutually agree.

#### **SECTION 603:**

Same; entrance requirements; operated without profit.

The board of education shall determine the age and other entrance requirements for pupils attending camp programs. Fees may be charged both resident and non-resident pupils attending the camp or camps to cover all of the operation and maintenance costs of the program; provided, that such programs shall be operated without profit. The costs of a camp program shall not be included in the determination of the per capita load costs of the regular school program of any school district.

#### **SECTION 604:**

The board or boards may acquire, equip, and maintain the necessary facilities and employ the necessary persons for the operation of the camp program which may be conducted on property

located either within or outside the territorial limits of the school district. The board or boards are hereby authorized to accept private contributions to be used exclusively for the operation of such camps as may be established under this act. Camps may be conducted on property under the custody of the state, the federal government, the state board of education, or any county, township, city or village with its consent; or on private property with the consent of the owner.

Part 2, Chapter 18, M.S.A. 15.3786 Public Recreation and Playgrounds.

#### **SECTION 786:**

A provision to provide for:

- a. Public recreation and playgrounds.
- b. Payments to retirement fund for city recreation employees.
  1. Any school district may operate a system of public recreation and playgrounds.
  2. Acquire, equip, and maintain land, building, or other recreational facilities.
  3. Employ a superintendent of recreation and assistants.
  4. Vote and expend funds for the operation of such system.
  5. Cooperate with any city, village, county, or township in the operating and conducting of such system in any manner in which they may mutually agree.
  6. Delegate the operation of the system to a recreation board created by any or all of them, and appropriate money, voted for this purpose, to such board.
  7. Any school district or board of education may appropriate money to be paid to the recreation board to be used by it for the purpose of maintaining the employers' contribution to a city retirement fund for recreation employees.

#### **SECTION 787:**

Any school district or board given charge of the recreation system is authorized to conduct its activities on: (1) property under its custody and management; (2) other public property under the custody of other municipal corporations or boards, with the consent of such corporations or boards; (3) private property, with the consent of the owners.

## PRIVATE PARKS

### Act 55, Public Acts of 1911, Reorganization of Corporations

An act to provide for the reorganization of corporations for owning, and maintaining and improving lands and other property kept for the purpose of summer resorts or for ornament, recreation, or amusement.

#### SECTION 1:

M.S.A. 21.791 Procedure, evidence, franchise fee.

#### SECTION 2:

M.S.A. 21.792 Rights and obligations.

#### SECTION 3:

M.S.A. 21.793 Time limit.

### Act 161, Public Acts of 1911, Summer Resort and Park Associations Act, Chapter 455, Section 301

An act to provide for the formation of corporations with power to acquire, control, own, maintain, improve, and convey property for parks, playgrounds, drives, and boulevards, and hold the same and take the proceeds thereof in trust for municipalities and take private property therefor.

### Act 201, Public Acts of 1953, Restriction of Suits by Hunters, Fishermen or Trappers

An act:

a. Restricting suits by persons coming upon the property of another for the purpose of:

1. Hunting
2. Fishing
3. Camping
4. Hiking
5. Sightseeing
6. Other similar outdoor recreational use

b. And to declare the limited liability of owners of property within this state.

#### SECTION 1:

M.S.A. 13.1485

No cause of action shall arise for injuries to any person who is on the lands of another without paying to such other person a valuable consideration for the purpose of fishing, hunting, trapping, camping, hiking, sightseeing, or other similar outdoor recreational use, with or without permission, against the owner, tenant, leasee of said premises unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, tenant, or leasee.

## TRAILER PARKS

### Act 172, Public Acts of 1958, Trailers, Regulation and Taxation

An act to provide for the payment, collection and disposition of yearly taxes on occupied trailer coaches located outside of licensed trailer parks, and to provide for permits and sanitary regulations of trailers harbored outside of licensed trailer parks.

#### SECTION 1:

M.S.A. 5.278 (21) Trailer coach permit; use outside park. (441) 125.741

No person shall use or permit the use of any trailer coach as a residence on any site, lot, field, or tract of land not specifically licensed as a trailer coach park for more than 15 days except by written permit as hereinafter provided.

#### SECTION 2:

M.S.A. 5.278 (22) Same; application, contents, fee; renewals. (442) 125.742

a. All applications for a permit shall be made to the clerk or other designated agency within a municipality or township in which the trailer coach would be parked. The application shall contain:

1. The name of the owner of the trailer coach and the names of all occupants, including the ages of all children.

2. The location of the proposed parking site as to street or road and house number, or by legal property description where no house number is available.

3. The make and length of the trailer coach and its vehicle license number, if any.

4. The date of application.

5. The signature of the property owner, accepting his responsibilities under the permit.

6. The signature of the health officer in evidence that waste disposal facilities and sanitation of

the premises are in compliance with all applicable statutes and local regulations.

7. The signature of the applicant.

b. A registration fee of \$5.00 shall accompany the application to the township clerk or municipal clerk for the purpose of defraying the cost of sanitary inspection and administrative costs. Upon approval of the application and receipt of the registration fee, the clerk shall issue a permit for use of the trailer coach according to the application. The permit shall expire and be subject to renewal 12 months from the date of issuance. Renewals may be limited to six-month periods, for which the registration fee shall not exceed \$3.00.

#### SECTION 4:

M.S.A. 5.278 (24) Same; sanitation, zoning, building, fire regulations. (443) 125.744

This act specifically authorizes the county or district board of health, or the health committee of the board of supervisors to make such regulations and by-laws, according to the provisions of Act No. 306 of the Public Acts of 1927, as amended, being sections 327.201 to 327.208a of the Compiled Laws of 1948, for defining sanitation requirements for trailer coaches not located in licensed parks. Nothing in this act or in the regulations or by-laws hereby authorized shall supersede or be in conflict with local zoning, building, fire codes or regulations, local ordinances or other legal restrictions for the protection of the public health and welfare.

#### SECTION 5:

M.S.A. 5.278 (25) Violation, penalty. (444) 125.745

Any person violating this act or any duly adopted regulations or by-laws, as authorized, shall upon conviction thereof be guilty of a misdemeanor.

**Act 243, Public Acts of 1959, Trailer Coach Park Act of 1959, as amended**

An act to define, license and regulate trailer coach parks; to prescribe the powers and duties of the state health commissioner and other state and local officers; to provide for the levy and collection of specific taxes on occupied trailers in trailer coach parks and the disposition of the revenues therefrom; to provide remedies and penalties for the violation of this act; and to repeal certain acts and parts of acts.

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*A pamphlet entitled MICHIGAN'S TRAILER PARK LAW is available from the Michigan Department of Health. This pamphlet has the entire law and all sections included. Due to the length of the law, it was not included in its entirety in this summary, but merely an introduction to the legislation and an index of the sections is listed here.*

## PARK RULES AND REGULATIONS

**Act 8, Public Acts of 1933, Liquor Law**  
M.S.A. 18.1005 Place and consumption of liquor; on public highways or in parks and places of amusement.

### SECTION 34:

No alcoholic liquor:

- a. Shall be consumed on the public highways.
- b. Except beer and/or wine shall be consumed in public parks and places of amusement not licensed to sell for consumption on the premises.

### Act 41, Public Acts of 1960, Curfew for Minors

An act to:

- a. Regulate the hours that children under the age of 16 years may be in or on the public streets, highways, alleys and parks.
- b. Prescribe penalties for violations of the provisions of this act.

### SECTION 1:

- M.S.A. 28.342 (1) Minors under 12 years of age.
- a. No minor under the age of 12 years shall:
    1. Loiter, idle, or congregate in or on any park between the hours of 10 o'clock p.m. and 6 o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the child.

### SECTION 2:

- M.S.A. 28.342 (2) Minors under 16 years of age.
- a. No minor under the age of 16 years shall:
    1. Same as section 1, except the hours are 12 o'clock midnight and 6 o'clock a.m., or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

### SECTION 3:

M.S.A. 28.342 (3) Aiding or abetting violation; misdemeanor.

- a. Any person of the age of 16 years or over:
  1. Assisting, aiding, abetting, allowing, permitting, or encouraging any minor under the age of 16 to violate the provisions of section 1 and 2 hereof is guilty of a misdemeanor.

### Act 106, Public Acts of 1963, Littering

An act to:

- a. Define, control, and prohibit the littering of public and private property and waters.
- b. Prescribe penalties for violation of this act.

### SECTION 1:

- M.S.A. 28.603 (1) Littering; public and private property.
- a. It is unlawful for any person knowingly, without the consent of the public authority to:
    1. Dump, deposit, place, throw, or leave or cause or permit same, litter on any public or private property or waters other than property designated and set aside for such purposes. "Public or private property or waters" includes highway, water, beaches, parks, playgrounds, recreation areas, forests, etc.

### SECTION 2:

- M.S.A. 28.603 (2) Litter defined.
- a. The term "litter" means:
    1. All rubbish, refuse, waste, garbage, paper, glass, cans, trash, debris, or other foreign matter of every kind and description.

### SECTION 3:

M.S.A. 28.603 (3) Violation; misdemeanor; punishment.



a. Any person violating this act shall be guilty of a misdemeanor.

b. The court, in lieu of any other sentence imposed, may direct a substitution of litter-gathering labor, including but not limited to, the litter connected with the particular violation.

#### SECTION 4:

M.S.A. 28.603 (4) Posting notices: receptacles.

- a. All public authorities may:
  1. Post notice signs to publicize the act.
  2. Establish and maintain receptacles for the deposit of litter on the property and publicize the location thereof.

#### Act 328, Public Acts of 1931, Penal Code, Chapter XXIX, Section 750.170

- a. Any person who makes a disturbance in any:
  1. Tavern, store, grocery, manufacturing establishment, or other place of business.
  2. Street, lane, alley, or highway.
  3. Public building, grounds, or park.
  4. Any election or other public meeting where citizens are peaceably assembled is guilty of a misdemeanor.

## REVENUE

#### Act 94, Public Acts of 1933, The Revenue Bond Act

Authorizes public corporations to purchase, acquire, construct, improve, enlarge, extend, repair and maintain public improvements and to provide for the imposition and collection of charges, fees, rentals or rates for the services, facilities and commodities furnished by such public improvements; to provide for the issuance of bonds.

M.S.A. 5.2733 Definitions.

- a. As used in this act, "public corporation" shall mean any county, city, village, township, school district, park district, or metropolitan district or any combination thereof.
- b. The term "public improvements" includes the following improvements: buildings, parks, recreational facilities, reforestation projects.

## MISCELLANEOUS

#### Act 328, Public Acts of 1931, Penal Code, Chapter LXXX, Section 750.534

a. Any person maintaining a slaughter-house or other place of slaughtering or killing animals or for rendering dead animals in a city or within one mile of the limits of a city or public park is guilty of a misdemeanor unless the place is adequately

supplied with water, sewage, and drainage for the speedy removal of blood and other fluid refuse.

b. Any person in charge of a slaughter-house in or within one mile of a city or public park who disposes of heads, horns, hides, or other portions of dead animals in such a manner as to be a nuisance or contrary to local health rules shall be guilty of a misdemeanor.

