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Summary of Laws Relating to Local Parks and Recreation, State of Michigan 1978  
Michigan State University Extension Service

Replaces E515

Louis F. Twardzik, Park and Recreation Resources

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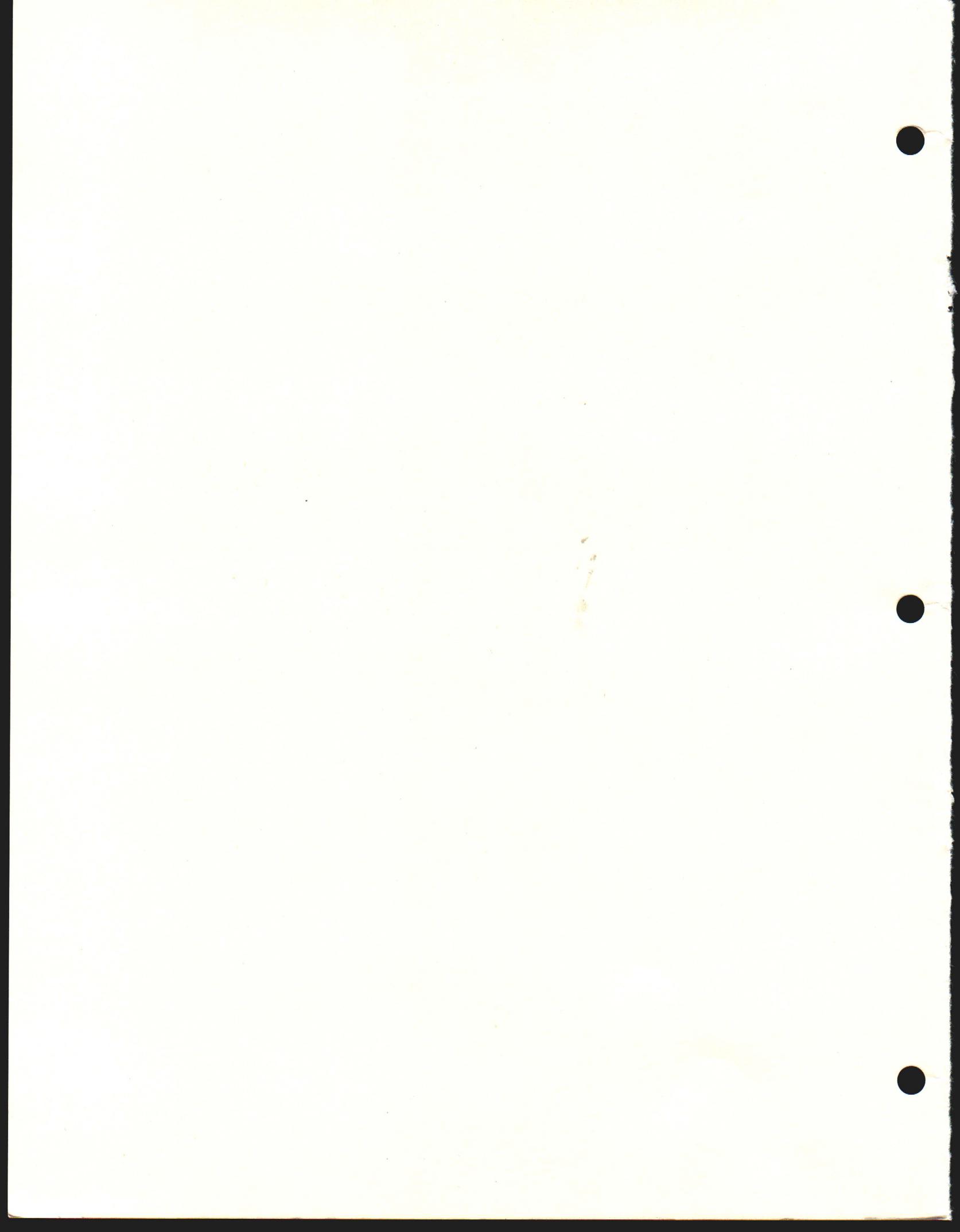
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*Summary of*  
**LAWS**  
*Relating to*  
**LOCAL PARKS**  
*and*  
**RECREATION**  
**State of Michigan 1978**

EXTENSION BULLETIN E-1266

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PARKS AND RECREATION SERIES  
COOPERATIVE EXTENSION SERVICE  
MICHIGAN STATE UNIVERSITY  
DECEMBER 1978



# Foreword

This compilation and summary of state legislation pertaining to local parks and recreation services and responsibilities in Michigan was prepared solely to provide 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 **Michigan Compiled Laws Annotated**, 1970 edition, with supplements, and the **Michigan Statues Annotated**, 1964 edition, with supplements. Specific legislation can be referred to by consulting the cited references, as these will include all amendments to the original act.

I would like to thank the following people and state offices for their assistance and suggestions in

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Michael W. Skaggs, graduate student in the Department of Park and Recreation Resources, assisted in developing a new format and compiling the acts for revision of this publication.— Louis F. Twardzik, Recreation Specialist, Cooperative Extension Service, and Professor and Chairman, Department of Park and Recreation Resources, Michigan State University.

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# Constitutional Authority

## ***Michigan Constitution of 1963, Article 7***

### **Section 23:**

Any city or village may acquire, own, establish

and maintain, within or without its corporate limits, parks, boulevards, cemeteries, hospitals, and all works which involve the public health or safety.

# Chapter I — Local Governments

## **Village, Park Acquisition**

### **Act 3, Public Acts of 1895**

**M.C.L.A. 61.1 - 75.12**

**M.S.A. 5.1201 - 5.1497**

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 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 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.

## **Local Government, Fees, Charges, and Licenses**

### **Act 66, Public Acts of 1941**

**M.C.L.A. 123.601-123.604**

**M.S.A. 5.2768(1)-5.2768(4)**

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 commercial 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.

## *Local Government, Operate System of Public Recreation*

### **Act 156, Public Acts of 1917**

**M.C.L.A. 123.51-123.54**

**M.S.A. 5.2421-5.2424**

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.

## ***Local Government, Tax for Community Recreation Center and Board of Directors***

**Act 199, Public Acts of 1929**  
**M.C.L.A. 123.41-123.46**  
**M.S.A. 5.2381-5.2386**

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.

## ***Fourth Class Cities, Park Acquisition***

### **Act 215, Public Acts of 1895**

**M.C.L.A. 100.1-100.3  
M.S.A. 5.1785-5.1787**

An act to:

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

## **CHAPTER XX: Public Buildings, Grounds and Parks**

### **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, workhouses, 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.

## ***Municipal Forests***

### **Act 217, Public Acts of 1931**

**M.C.L.A. 320.201-320.210  
M.S.A. 13.281-13.290**

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:**

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

### **SECTION 2:**

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:**

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:**

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:**

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:**

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.

### ***Local Government, City Band Tax***

**Act 230, Public Acts of 1923**

**M.C.L.A. 123.861-123.863**

**M.S.A. 5.3391-5.3393**

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 resubmitted to the voters.

### ***Home Rule Cities, Public Facility Acquisition***

**Act 279, Public Acts of 1909**

**M.C.L.A. 117.4e**

**M.S.A. 5.2078**

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.

### ***Local Government, Advertising Recreation***

**Act 359, Public Acts of 1925**

**M.C.L.A. 123.881**

**M.S.A. 5.3291**

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.

## ***Local Government, Gifts***

**Act 380, Public Acts of 1913**

**M.C.L.A. 123.871**

**M.S.A. 5.3421**

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.

## ***Industrial Development Revenue Bonds***

**Act 62, Public Acts of 1963**

**M.C.L.A. 125.1251-125.1267**

**M.S.A. 5.3533(21)-5.3533(33)**

An act relating to industrial development, to authorize municipalities to acquire industrial buildings and sites and industrial machinery and equipment and tourist and resort facilities; to pro-

vide for the financing of such buildings, sites, machinery and equipment by the issuance of revenue bonds; to provide the terms and conditions of such bonds; and to prescribe the powers and duties of the municipal finance commission.

**NOTE:** Due to its scope, Act 62, Public Acts of 1963, is not included in this summary. It may be found in the M.C.L.A. at M.S.A. listed in the heading.

## ***Youth Centers***

**Act 179, Public Acts of 1967**

**M.C.L.A. 123.461**

**M.S.A. 5.3440(1)**

An act to authorize a county, city, village or township to levy taxes and expend funds for youth centers.

## **SECTION 1:**

Any county, city, township or village or combination of counties, cities, townships or villages may levy taxes and appropriate funds for operating centers open exclusively to youths under 21 years of age and aimed at curbing juvenile delinquency within the community.

## ***Incorporation of Authorities, Recreational Facility Acquisition***

**Act 31, Public Acts of 1948 (1st Extra Session)**

**M.C.L.A. 123.951-123.965**

**M.S.A. 5.301(1)-5.301(15)**

An act to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate and maintain buildings, . . . , recreational facilities, stadiums, and necessary sites therefore, for the use of any county, city, village, township and school district . . . and provide for the issuance of revenue bonds by such authorities.

## **SECTION 1:**

Any county, city, village or township may incorporate, as provided in this act, 1 or more authorities for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and maintaining a building or buildings, and automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefore, for the use of the county, city, village or township.

## **Great Lakes Waters**

**Act 191, Public Acts of 1965**  
**M.C.L.A. 780.51-780.52**  
**M.S.A. 28.861(101)-28.861(102)**

An act to grant cities and incorporated villages jurisdiction as to Great Lakes waters or connecting waters adjoining their boundaries.

### **SECTION 1:**

A city or incorporated village, having a boundary running to the shoreline of any of the Great Lakes or connecting waters, through its peace officers, with or without a pertinent ordinance, may exercise concurrent jurisdiction as to such waters to enforce any criminal law of this state applicable to the conduct of persons in, on or over such waters which extend  $\frac{1}{2}$  mile lakeward from such boundary, but not beyond any interstate or international boundary.

### **SECTION 2:**

This act shall not be construed as granting any authority to regulate or control the erection, maintenance or destruction of any structure in, on or over such waters as may be covered by state law, or grant a power to alter any federal or state law, rule or regulation pertaining to navigation, hunting or fishing.

## **Home Rule Cities, Park Annexation**

**Act 229, Public Acts of 1909**  
**M.C.L.A. 117.9**  
**M.S.A. 5.2088**

### **SECTION 9(8):**

Where territory proposed to be annexed to any city is adjacent to the city and consists of a park or vacant property located in a township and owned by the city annexing the same, and there is no one residing thereon, such territory may be annexed to the city solely by resolution of the city council of the city or in any case where the territory proposed to be annexed is adjacent to the city and consists of property owned by the city or consists of fractional parts of platted subdivision lots, located in an adjoining city, village, or township, such annexation may also be accomplished by the affirmative majority vote of the legislative body of such city and the approval of the legislative body of such adjoining city, village or township.

## **Historic Districts**

**Act 169, Public Acts of 1970**  
**M.C.L.A. 399.201-399.212**  
**M.S.A. 5.3407(1)-5.3407(12)**

An act to provide for establishment of historic districts; to provide for the acquisition of land and structures for historic purposes; to provide for preservation of historic sites and structures; to provide for the creation of historic district commissions; to provide for the maintenance of publicly owned historic sites and structures by local units.

### **SECTION 1:**

As used in this act:

- (a) "Local Unit" means a county, city, village or township.
- (b) "Historic District" means an area, or group of areas not necessarily having contiguous boundaries, created by a local unit for purposes of this act.
- (c) "Historic Preservation" means the protection, rehabilitation, restoration, or reconstruction of districts, archaeological and other sites, buildings, structures and objects.

### **SECTION 2:**

Historical preservation is declared to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, alteration, repair, moving and demolition of historic structures within the limits of the local unit. The purpose of the ordinance is to: (a) safeguard the heritage of the local unit by preserving a district in a local government which reflects elements of its cultural, social, economic, political or architectural history; (b) stabilize and improve property values in such district; (c) foster civic beauty; (d) strengthen the local economy; and (e) promote the use of historic districts for the education, pleasure and welfare of the citizens of the local unit and of the state.

### **SECTION 3:**

A local unit may establish by ordinance historic districts. Before such establishment, an historic district study committee, appointed by the legislative body, and containing representation from any existing historical preservation society, shall conduct studies and research and make a report on the historical significance of the buildings, structures, features, sites, objects and surroundings in the local unit. The report shall contain recommendations concerning the area to be included in

the proposed historic district. Copies of the report shall be transmitted for review and recommendations to the local planning commission, to the Michigan historical commission, and to the state historical advisory council. Sixty days after the transmittal, the committee shall hold a public hearing thereon, after due notice, which shall include a written notice to the owners of all properties to be included in such districts. The committee shall submit a final report with its recommendations and those of the local planning commission and a draft of a proposed ordinance to the legislative body of the local unit.

#### **SECTION 4:**

(This section pertains to the creation of a historical district commission; who may be appointed, for what term and number of members.)

#### **SECTION 5:**

(This section pertains to commission approval required to make any repairs or alterations affecting exterior appearance of the structure or for moving or demolition of the structure.)

#### **SECTION 6:**

(This section pertains to grants and gifts made to the local unity by state, federal, public or private grantors.)

#### **SECTION 7:**

(This section pertains to the acquisition of a historic structure by a local unit.)

#### **SECTION 8:**

(This section pertains to coordination between historical commissions.)

#### **SECTION 9:**

(This section pertains to the approval or rejection of plans and permit issuance.)

#### **SECTION 10:**

(This section pertains to the construction of the act.)

#### **SECTION 11:**

(This section pertains to aggrieved persons right to appeal.)

#### **SECTION 12:**

(This section pertains to the effect of the act on any existing legislation and commissions.)

### **Public Swimming Pools**

#### **Act 230, Public Acts of 1966**

**M.C.L.A. 325.601-326.620**

**M.S.A. 14.447(1)-14.447(20)**

An act to protect the public health; to place responsibility on the department of public health for supervising the construction and the healthful and safe operation of public swimming pools; to provide for the issuance of construction and operation permits; to authorize rules and regulations to carry out the intent of the act; and to provide penalties and remedies.

#### **Definitions: Exemptions From Act**

#### **SECTION 1:**

A public swimming pool is an artificial body of water used collectively by a number of persons primarily for the purpose of swimming, recreational bathing or wading, and includes any related equipment, structures, areas and enclosures that are intended for the use of persons using or operating the swimming pool such as equipment, dressing, locker, shower and toilet rooms. Public swimming pools include but are not limited to those which are for:

a. Parks	f. Apartments
b. Schools	h. Hotels
c. Motels	i. Trailer Coach Parks
d. Camps	j. Subdivisions
e. Resorts	k. And the like.

Pools and portable pools located on the same premises with a 1,2,3, or 4-family dwelling and for the benefit of the occupants and their guests, natural bathing areas such as streams, lakes, rivers or man-made lakes, exhibitor's swimming pools built as models at the site of the seller and in which swimming by the public is not permitted, or pools serving not more than 4 motel units are exempt from this act.

#### **Index of Act 230, Public Acts of 1966**

#### **SECTION 2 — Department of Public Health; Review of Design; Supervision, Construction and Operation of Public Swimming Pools**

#### **SECTION 3 — Supervisory and Visitorial Power of Department of Public Health**

#### **SECTION 4 — Inspection by State or Local Health Departments**

**SECTION 5 — Rules and Regulations (Promulgate)**

**SECTION 6 — Construction or Modification of Pools; Plans and Specifications; Fees; Permits; Compliance With Local Codes; Maintenance of Nuisance or Hazard**

**SECTION 7 — Plans and Specifications, Contents**

**SECTION 8 — Plans and Specifications, Examination by Department; Approval or Denial; Amendments to Plan; Resubmission; Validity of Permit; Extension of Permit**

**SECTION 9 — Pool to be Constructed or Modified in Accordance With Approved Plans; Changes (in Plan)**

**SECTION 10 — Operation Permits; Fee; Display; Expiration Date; Renewal Permit; Fee; Transfer of Permit; Fee**

**SECTION 11 — Pools in Operation Under Permit Issued Prior to Effective Date of Act; Fees**

**SECTION 12 — Prohibited Operation Without Operation Permit**

**SECTION 13 — Improperly Constructed Pools; Notice of Deficiencies; Failure to Correct (Denied Operators Permit)**

**SECTION 14 — Periodic Inspections by State or Local Health Departments**

**SECTION 15 — Revocation of Operation Permit; Hearings; Re-issuance of Permit (if Deficiencies are Corrected)**

**SECTION 16 — Reports Covering Operations of Pools [Department of Public Health (Periodic Reports)]**

**SECTION 17 — Closing of Pools to Protect Public Health or Safety (Correction of Deficiencies)**

**SECTION 18 — Payments to Local Health Departments (For Permits in Their Areas)**

**SECTION 19 — Penalty (Misdemeanor) (Each Day Separate Violation); Prosecution of Violations**

**SECTION 20 — Effective Date (January, 1972)**

### ***Inland Lake Improvement Act***

**Act 345, Public Acts of 1966  
M.C.L.A. 281.901-281.930  
M.S.A. 11.419(1)-11.419(30)**

An act to provide for the improvement of certain inland lakes; to authorize the dredging and re-

moval of undesirable materials from lakes; to authorize acquisition of lands and other property by gifts, grant, purchases or condemnation; to authorize the raising of money by taxation and special assessments for the purpose of this act; to provide for review and appeal; to prescribe the duties and powers of the legislative bodies of local units of government and the department of conservation and to repeal certain acts and parts of acts.

**NOTE:** Due to the length of the Inland Lake Improvement Act, it was not included in this summary. It should be noted the act provides for improvements to inland lakes for benefits including recreation through petition procedures, establishment of a lake board and project implementation by local governments. The act should be read in its entirety and may be found in Michigan Compiled Laws, Sections 281.901-281.930, or Michigan Statues Annotated 11.419(1)-11.419(30).

### ***State Park Commission – Department of Conservation***

**Act 218, Public Acts of 1919**

**M.C.L.A. 318.3-318.8**

**M.S.A. 13.1011-13.1016**

An act to create the Michigan State Park Commission; to define its rights, powers and duties in acquiring and maintaining state parks; to authorize the commission to rent or lease public service privileges in such parks and to provide for the disposal of revenues received thereon; making an appropriation and providing a tax to meet the same.

### **SECTION 7:**

Any municipality is authorized to transfer the care and control of any open spaces owned or controlled by it to the state park commission upon such terms and for such periods as may be mutually agreed upon, or to enter into an agreement with said commission for the joint care or preservation of open spaces within or adjacent to such municipality, and said commission may, in like manner, transfer the care and control of any open spaces controlled by it to any local municipality upon such terms and for such periods as may be agreed upon.

**NOTE:** The state park commission was abolished by Act 267, Public Acts of 1945, and its powers, duties and records transferred to the Department of Conservation.

# CHAPTER II — Townships

## *Township Parks, Acquisition, Board of Commissioners*

**Act 157, Public Acts of 1905**

**M.C.L.A. 41.421-41.425**

**M.S.A. 5.2441-5.2445**

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 commissioners 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.

## **Township Parks**

### **Act 271, Public Acts of 1931** **M.C.L.A. 41.441-41.446** **M.S.A. 5.271-5.276**

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 thereon.

## **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 elec-

tion, 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 board may authorize the commission to act as the township recreation board provided by Act No. 156 of the Public Acts of 1917, being sections 123.51 to 123.54 of the Compiled Laws of 1948.

c. 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. As fixed by the township board
- 2. \$.10 traveling expenses for each mile to and from commission meetings.

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

c. The compensation and expenses shall be paid from the park maintenance fund hereinafter provided for, or from the township general fund.

## **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 to 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 com-

mission 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.

### ***Township Wharfs, Piers and Docks***

**Act 286, Public Acts of 1923**

**M.C.L.A. 41.481-41.482**

**M.S.A. 5.2391-5.2392**

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 exercised 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.

## ***Township Parks, Transfers to County***

**Act 300, Public Acts of 1939**

**M.C.L.A. 41.431**

**M.S.A. 5.2438**

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.

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**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.

## ***Township Parks, Appropriation***

**Act 307, Public Acts of 1941**

**M.C.L.A. 41.461**

**M.S.A. 5.2446**

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.

## ***Advertising Townships***

**Act 28, Public Acts of 1968**

**M.C.L.A. 41.991**

**M.S.A. 5.264(1)**

An act to authorize township boards to appropriate funds for purposes of advertising the township.

### **SECTION 1:**

The board of any township may appropriate moneys or expend funds to be used for advertising agricultural advantages of the state, county or township, or for collecting, preparing or maintaining an exhibition of the products and industries of the township at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing the trade in the products of this state or the township, or advertising the state and any portion thereof for tourists and resorters.

## ***Natural Beauty Roads***

**Act 150, Public Acts of 1970**

**M.C.L.A. 247.381-247.385**

**M.S.A. 9.195(61)-9.195(65)**

An act to designate certain roads as Michigan natural beauty roads; and to provide certain powers and duties; and to provide for the development of guidelines and procedures.

### **SECTION 1: DEFINITIONS**

### **SECTION 2:**

Twenty-five or more freeholders of a township may apply by petition to their boards for designation of a county local road or portion thereof as a natural beauty road.

(2) Within 6 months after a petition is received the board shall hold a public hearing to consider designating the described road as a natural beauty road. Notice of the hearing must be published and posted in a general and conspicuous place.

(3) Within 30 days after the hearing, if the board deems the designation desirable, it shall file with the county clerk a true copy of its resolution designating the portion of the county local road as a natural beauty road.

### **SECTION 3:**

This section deals with ways property owners with lineal footage along the road can have the designation of a natural beauty road withdrawn or revoked.

### **SECTION 4:**

The department of natural resources shall develop uniform guidelines and procedures which may be adopted by the board (county Road Commissioners) to preserve native vegetation in a natural beauty road right of way from destruction or substantial damage by cutting, spraying, dusting, salting, mowing or by other means. No guidelines and procedures adopted under the authority of this act shall prohibit the application of accepted principles of sound forest management in a natural beauty road right of way.

(2) The department may advise and consult with the board on the application of the guidelines and procedures.

(3) The board shall provide for a public hearing before an act is permitted which would result in substantial damage to native vegetation in the right of way.

(4) Nothing in this act shall affect the right of a public utility to control vegetation in connection with the maintenance repair or replacement of public utility facilities, which were constructed in a road prior to its designation as a natural beauty road, or in connection with the construction, maintenance, repair or replacement of public utility facilities crossing a natural beauty road.

### **SECTION 5:**

The department may establish a citizen's advisory committee to assist in the formulation of proposals for guidelines and procedures.

## **Hunting Area Control**

### **Act 159, Public Acts of 1967**

**M.C.L.A. 317.331-317.336**

**M.S.A. 13.1397(101)-13.1397(106)**

An act to promote safety in hunting activities; to provide area closures to hunting and discharge of firearms; to establish a hunting area control committee and to prescribe its powers and duties; to prescribe the powers and duties of the department of conservation, the department of state police, the department of attorney general and the county sheriffs; and to prescribe penalties for violation of this act.

### **SECTION 1:**

(1) A hunting area control committee, composed of a representative of the department of conservation, a representative of the department of state police, the township supervisor, or if he declines to serve, a representative selected by the township board and a representative of the sheriff's department of the representative counties involved is established and shall perform such duties as are authorized by this act.

(2) The representatives of the state agencies shall be selected from the staff of each agency by its chief authority and designated as that agency's representative. The committee shall select 1 of its members as chairman and the chairmanship shall be alternated between the agencies each year. The department of conservation shall perform clerical, operational and administrative duties of the committee in accordance with rules, regulations, procedures and policies promulgated and adopted by the committee and the department of conservation as the agency within which the committee operates. Expense incurred by individual members in carrying out the intent and purpose of this act shall be borne by the member's department. Costs of surveys and actions requiring services outside the committee and sheriff's department shall be borne by the department of conservation.

### **SECTION 2:**

(1) In the interest of public safety and the general welfare, the committee is empowered to regulate and prohibit hunting and discharging of firearms and bow and arrow, as provided here, on

those areas established under the provisions of this act where hunting or the discharge of firearms or bow and arrow may, or is likely to kill, injure or disturb persons who can reasonably be expected to be present in such areas or to destroy or damage buildings or personal property situated in such areas or will impair the general safety and welfare; and the committee is empowered to determine and define the boundaries of such areas. Areas may be closed throughout the year or parts thereof. The committee may designate areas where hunting is permitted only by prescribed methods and weapons not inconsistent with law. Whenever the governing body of any political subdivision determines the safety and wellbeing of persons or property are endangered by hunters or discharge of firearms or bow and arrows, by resolution it may request the committee to close the area to relieve the problem. Upon receipt of a certified resolution, the committee shall establish a date for a public hearing in the political subdivision and the requesting political authority shall arrange for suitable quarters for the hearing. The committee shall receive testimony on the nature of problems resulting from hunting activities and firearms use from all interested parties on the type, extent and nature of the closure, regulations or controls desired locally to remedy the problem.

(2) Upon completion of the public hearing, the committee shall cause such investigations and studies to be made of the area as it deems appropriate and shall then make a statement of the facts of the situation found at the hearing and the results of its investigations. The committee shall then prescribe such regulations as are necessary to alleviate or correct the problem.

### **SECTION 3:**

(1) The committee shall submit its findings and recommendations to the governing body of the political subdivision concerned, which shall by majority vote advise the committee by certified resolution whether it approves or disapproves the prescribed hunting or firearms controls. If the governing body disapproved of the controls, no further

action shall be taken. When the governing body approves the prescribed controls, a local ordinance shall be enacted in accordance with law pertaining to enactment of ordinances, which shall be identical in all respects to the regulations prescribed by the committee and shall not be effective until the committee rules are in force and effect. A certified copy of the ordinance shall be forwarded to the committee. The hunting and firearm control regulations shall then be adopted by the committee in accordance with sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act 197, Public Acts of 1952, as amended. An ordinance adopted under authority of a rule subsequently suspended by the legislature shall likewise be suspended. The governing body of the political subdivision having established such an ordinance, by subsequent majority vote, may repeal the ordinance at any time and the committee shall be informed by certified resolution of such action.

(2) Local and county law enforcement officers shall enforce ordinances enacted in accordance with this act. State enforcement officers will enforce regulations adopted and made a part of the administrative code in accordance with the provisions of this act.

### **SECTION 4:**

(This section pertains to closure notice signs; their spacing, placement and maintenance.)

### **SECTION 5:**

Any prohibition against discharge of firearms made under authority of this act shall not apply to peace officers or members of any branch of the armed forces in the discharge of their proper duties. The director of conservation may authorize the use of firearms to prevent or control the deprivations of birds or animals in situations where significant damages are being caused by wildlife.

### **SECTION 6:**

Any person who violates any provision of this act or regulations promulgated under authority of this act is guilty of a misdemeanor.

# CHAPTER III — Metropolitan Districts

## ***Huron-Clinton Metropolitan Authority Act***

**Act 147, Public Acts of 1939**

**M.C.L.A. 119.51-119.61**

**M.S.A. 5.2148(1)-5.2148(11)**

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:**

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:**

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 parklike features, leading to or connecting parks and/or limited access highways.

### **SECTION 3:**

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:**

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:**

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:**

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:**

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 re-

turned 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:**

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:**

For the purpose of the authority as herein defined, the commissioners may purchase, accept by gift or devise 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:**

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:

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 Met-

ropolitan 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."

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

#### *Metropolitan District Act*

**Act 312, Public Acts of 1929**

**M.C.L.A. 119.1**

**M.S.A. 5.2131**

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 purposes 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.

# CHAPTER IV — Counties and Regions<sup>1</sup>

## *County Parks, Zoological Gardens and Airports*

**Act 90, Public Acts of 1913**  
**M.C.L.A. 123.61-123.68**  
**M.S.A. 5.2431-5.2437(1)**

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.
4. 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

<sup>1</sup>All references to county supervisors or county boards of supervisors were changed to county commissioners and county boards of commissioners by Act 137, Public Acts of 1969 [M.C.L.A. 46.416 (16), M.S.A. 5.359 (16)].

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 news-

paper 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 treasurer of the municipality owning such park.

b. Any county, township, city, or village misappropriating 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.

### ***Property for Public Highway Purposes***

**Act 295, Public Acts of 1966**

**M.C.L.A. 213.361**

**M.S.A. 8.261(1)**

An act to provide for the purchase and condemnation of property for public purposes by cities, villages, townships, counties, boards of county road commissions and the state highway commission.

#### **SECTION 1:**

Cities, villages, townships, counties, boards of county road commissioners, and the state highway commission, hereinafter also referred to as the petitioner, are authorized and empowered to secure the fee simple or lesser estate in real property from the owners thereof in:

(h) Any and all other property and property rights deemed by the board or commission having jurisdiction over a highway to be necessary for the proper construction, improvement, landscaping or maintenance thereof, including the development, construction and maintenance, adjacent to such highways, of roadside parks, parking spaces, rest areas, scenic areas, scenic outlooks, information lodges and any other purpose authorized by law in the interest of the beneficial use of such highways by the traveling public.

### ***Marine Safety Act***

**Act 303, Public Acts of 1967**

**M.C.L.A. 281.1001-281.1199**

**M.S.A. 18.1287(1)-18.1287(199)**

An act to promote the safe use of the waters of this state; to provide for the taxation and numbering of motorboats and vessels; to provide for rules relative to the operation of vessels and motorboats; the carrying of equipment on such waters and to the use of waters of this state for boating; to pro-

mote uniformity of laws relating thereto; to prescribe the duties and responsibilities of owners and operators of vessels and motorboats; to prescribe the powers and duties of certain state departments; to provide for the disposition of revenue, and to provide for penalties.

NOTE: Due to the length of the Marine Safety Act, it was not included in this summary. It should be noted that the act contains provisions for aid to counties for the conduct of marine safety and enforcement which could be of interest to local authorities.

### ***County and Regional Parks and Recreation Act***

**Act 261, Public Acts of 1965**

**M.C.L.A. 46.351-46.357**

**M.S.A. 5.570(101)-5.570(117)**

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. The county treasurer shall be treasurer of county commissions and the county treasurer of the county furnishing the larger portion of the approved budget shall be treasurer of regional commissions. 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 ap-

roval 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 the state conservation department a record of its land ownership, proposals for acquisition of land, and of general development plans and programs for improvement and maintenance thereof.

## **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, archaeologic, recreational or other special features.

## **SECTION 9a:**

A county or regional commission desiring to acquire real property in another county not a member of a regional commission, shall notify the board of supervisors of the county wherein the real property to be taken is located of its intentions to institute proceedings under Section 9; and, unless the members of the board of supervisors by a majority vote disapprove the contemplated action within 60 days of the receipt of notification by certified mail of such contemplated action the county or regional commission may proceed to institute proceedings pursuant to the provisions of section 9.

## **SECTION 10:**

A county commission may accept in the name of the county and a regional commission may accept in its name gifts, bequests, grants-in-aid, 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:**

(1) A county or regional commission may make, amend or repeal rules for the protection, regulation and control of all its facilities and areas with the approval of the local board or boards of supervisors.

(2) Rules shall not be contrary to, or inconsistent with, the laws of the state. Rules shall not take effect until 10 days after their adoption by the county or regional commission and after their publication once a week for 2 consecutive weeks in at least 1 newspaper of general circulation in the county in which the area or facility to which the rules apply are located; and only after a copy thereof has been posted near each gate or principal entrance to the area or facility.

(3) Any person violating any rule adopted by a county or regional commission created shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$100.00 and costs, or imprisoned in the county jail for a period not exceeding 90 days or both.

(4) A county or regional commission may appoint park rangers who may be deputized by a sheriff to enforce the laws of the state and the ap-

prehension of violators thereof. Park rangers may enforce the rules adopted by a county or regional commission whether deputized or not, and shall have the powers, privileges and immunities conferred upon peace officers by the laws of the state. No park ranger shall be appointed unless he or she meets the minimum standards established by the law enforcement officers training council. Park rangers shall exercise their authority and powers only on lands, waters and property administered by or under the jurisdiction of a county or regional commission.

(5) A county or regional commission may contract with townships, cities, villages or sheriffs for police services required under this section and may appropriate and expend funds for such services.

## **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.

## **SECTION 17:**

(1) Any county operating under this act, by resolution adopted by the majority of the members elect of its governing body, and with a vote of the majority of the electors of the county voting on the question, but subject to the prior permission of the municipal finance commission may borrow money, pledge its full faith and credit for repayment thereof, and issue its bonds or notes to pay all or part of the cost of acquiring, planning and developing park and recreational places, and constructing, reconstructing, altering or renewing buildings and other structures related to said park and recreational places.

(2) The revenue bonds shall be issued pursuant into the provisions of Act 94, Public Acts of 1933, as amended, being sections 141.101-141.139 of the C.L. of 1948, or any other applicable act.

(3) Bonds or notes shall be authorized by a reso-

lution adopted by a majority of the members elect of the governing body of the county operating under this act. The full faith and credit of the county may be pledged for the prompt payment of the principle and interest on any borrowing by a county pursuant to this act; or to the payment of principle and interest of revenue bonds notwithstanding any provision of law. Any bonds or notes shall be issued in the name of the county and shall be executed by the chairman of the board of supervisors and the county clerk, who shall also cause their facsimile signatures to be affixed to any interest coupons to be attached to any bonds. The bonds and notes shall have the county seal affixed by the county clerk. Bonds or notes issued under this act shall be negotiable instruments and shall mature in not more than 40 years from the date thereof, and may be made redeemable, at the option of the county, prior to maturity on such terms and conditions as shall be provided by the resolution of the governing body of the county. The bonds or notes shall bear interest at not more than 6% per annum. The bonds or notes and the interest thereon shall be made payable in lawful U.S. money and shall be exempt from any taxation by the state or by any taxing authority within the state. The governing body of the county may authorize the sale of any such bonds or notes in accordance with state law.

(4) The issuance of bonds or notes under this act shall be subject to the provisions of Act 202, Public Acts of 1943, as amended, except as provided herein, and a county shall not advertise for sale of bonds or notes until approval has been gained from the municipal finance commission. Any taxes levied to repay any borrowings by a county pursuant to this act shall be without limitation as to rate or amount. The amount of borrowings by a county pursuant to this act shall not be limited by any law applicable to the county except that a county may not borrow in an amount taken together with other indebtedness of the county will exceed 10% of the assessed valuation of the county as last equalized by the state.

(5) Bonds or notes issued by a county pursuant to this act may be paid out of any funds of the county available therefore. The resolution authorizing the issuance of any bonds or notes pursuant to this act shall contain an irrevocable covenant to levy and collect taxes in an amount necessary to pay the principal of and interest on the bonds or notes so issued as the same shall become due and shall pledge such taxes to the payment of the bonds or notes and shall provide for the deposit of proceeds thereof in a separate bank account to be used only for the payment of the bonds or notes issued.

# CHAPTER V — State Recreation Assistance

## *State Recreation Assistance Act*

**Act 326, Public Acts of 1965**

**M.C.L.A. 299.121-299.127**

**M.S.A. 13.1097(1)-13.1097(7)**

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 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.

# CHAPTER VI — Federal Recreation Assistance

## *Federal Assistance for Outdoor Recreation*

**Act 316, Public Acts of 1965**  
**M.C.L.A. 299.111-299.116**  
**M.S.A. 13.1098(1)-13.1098(6)**

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.

### **SECTION 6:**

The department of conservation is authorized to disburse state appropriated grants-in-aid to political subdivisions of the state to be used in conjunction with P.L. 88-578 which provides financial assistance for outdoor recreation. The criteria for project approval established for federal cost-sharing under the various federal grants-in-aid programs shall be used as guidelines in allocating state grants-in-aid to political subdivisions of the state. In no case shall the state's share of the cost of a particular project exceed 25% of the total cost. In no case shall total state grants-in-aid under this act during any fiscal year exceed the amount specifically appropriated therefore by the legislature.

# CHAPTER VII — Schools and School Districts

## *School Playgrounds and Athletic Fields*

**Act 258, Public Acts of 1965**  
**M.C.L.A. 340.681**  
**M.S.A. 15.3681**

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 school; 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.

## *School Code Act, Use of School as Recreation Center*

**Act 269, Public Acts of 1955**  
**M.C.L.A. 340.377 - 340.787**  
**M.S.A. 15.3377 - 15.3787**

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

### **SECTION 377:**

In addition to any other powers, or duties granted to school districts under the provisions of any other law, any school district, by action of its board, may apply for, accept and use federal funds for neighborhood facilities projects or for the inclusion of neighborhood facilities in school buildings, and pay the school district's share of construction, movable furnishings, equipment and operation expenses out of funds of the school district.

### **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 nonresident 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:**

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.

#### ***Sale of State Land for Public Purposes***

**Act 223, Public Acts of 1909**

**M.C.L.A. 211.461**

**M.S.A. 7.681**

#### **SECTION 1:**

The director of conservation is authorized to sell sites to school districts and churches and to sell lands for public purposes to public educational in-

stitutions; to the United States; and to governmental units of the state and to agencies thereof from state lands under the control of the conservation commission, at such price as shall be fixed in a formula as determined by the state tax commission. The director of conservation is authorized to transfer jurisdiction of state lands for public purposes to any department, board or commission of the state. The application for the purpose of transfer of such lands shall be made by the proper officers of a school district, church, public education institu-

tion, the United States, governmental unit, agency, department, board of commission upon blanks prepared and furnished by the director for that purpose. The director shall not sell, or transfer for any purpose any land in excess of the amount which may be necessary for the use of any school district, church, governmental unit or agency above set forth.

The director of conservation is authorized to sell lands to any person and the transfer of such lands shall not be subject to any reverter clause.

# CHAPTER VIII — Private Parks

## *Reorganization of Corporations*

### **Act 55, Public Acts of 1911**

**M.C.L.A. 455.281-455.283**

**M.S.A. 21.791-21.793**

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.

## *Summer Resort and Park Associations*

### **Act 161, Public Acts of 1911**

**M.C.L.A. 455.301-455.313**

**M.S.A. 21.801-21.813**

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.

## *Campgrounds*

### **Act 171, Public Acts of 1970**

**M.C.L.A. 325.651-325.665**

**M.S.A. 14.447(121)-14.447(135)**

An act to license and regulate campgrounds; to prescribe the functions of the department of public health; and to provide penalties for violations.

### **SECTION 1: DEFINITIONS**

(a) "Campground" means any parcel or tract of

land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for establishment of temporary living quarters for 5 or more recreational units.

(c) "Department" means the department of public health.

(f) "Recreation unit" means a tent or vehicular-type structure, primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreational unit shall include, but shall not be limited to the following:

(1) Travel trailer which is a vehicular portable structure, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a stock passenger automobile, primarily designed and constructed to provide temporary living quarters for recreational, camping or travel use.

(2) Camping trailer.

(3) Motor home, which is a vehicular structure built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreational, camping or travel use.

(4) Truck camper

(i) Side-in camper

(ii) Chassis-mount camper.

### **SECTION 2:**

(1) After December 31, 1970, a person shall not begin to construct, alter or engage in the development of a campground without first obtaining a construction permit from the department. Applications for a construction permit shall be submitted to the health officer who shall forward the application to the department. The application shall contain:

(a) A description of the proposed project.

(b) The name and address of the applicant.

(c) The location of the proposed project.

(2) A construction permit is not required for campgrounds owned and operated by the state,

provided, however, that the other requirements of the act and rules as specified of other campground owners shall apply.

### **SECTION 3:**

(1) A person shall not operate a campground without first obtaining an annual campground license from the department. Applications for a campground license shall be submitted to the health officer who shall forward the application to the department. The application shall contain:

- (a) The name and address of the applicant.
- (b) The location of the campground.
- (c) Information regarding physical facilities.

(2) A fee of \$15.00 shall accompany each application for a campground license. The license fee shall be deposited in the city or county general fund. A unit of government is exempt from payment of the license fee.

(3) The license shall expire on April 30 of each year.

(4) A campground license is not required for campgrounds owned or operated by the state.

### **SECTION 4:**

Before an application for a campground license is approved, the department or the health officer shall determine that the campground contains adequate facilities to protect the public health.

### **SECTION 5:**

(1) Upon approval of the application, the department shall issue a campground license which shall be displayed in a conspicuous place on the campground.

(2) If the application is denied, the department shall give written notice of its denial to the applicant stating reasons for the denial. The applicant may request reconsideration of his application after correction of the reasons for the denial or may request a hearing before the director or his appointee within 10 days of receipt of the denial. The director shall afford such a hearing not later than 20 days after receipt of the request. A person aggrieved by the decision of the director may appeal to the courts as provided by law.

### **SECTION 6:**

A campground license shall not be transferred to another person except where the transferee complies with all the requirements to be licensed under this act and the department expressly consents in writing to the transfer.

### **SECTION 7:**

The director, with the advice, assistance and ap-

roval of the advisory committee, shall promulgate rules regarding sanitation and safety standards for campgrounds and public health for the purpose of implementing this act in accordance with and subject to the provisions of Act 306, Public Acts of 1969, being sections 24.201-24.313 of the Compiled Laws of 1948. The rules shall be of a nature, so as to recognize and provide controls for different types of campgrounds.

### **SECTION 8:**

If a person licensed under this act fails to comply with this act or any rule promulgated thereunder, the department shall notify him in writing of his failure, specifying his particular violations, and shall specify a time certain within which he shall comply. The nature of the violations will determine the length of time given for compliance. If the licensee does not comply within the time specified, the department may revoke the license. Before revocation, the director or his appointee shall hold a hearing and give written notice thereof by certified mail at least 14 days before the date of the hearing, and shall set forth in writing the charges against the licensee. The licensee can appear with an attorney and witnesses. After the hearing, the director shall decide whether the license is to be revoked. The licensee may appeal to the courts as provided by law.

### **SECTION 9:**

The director shall appoint an advisory committee with broad geographical distribution of members to advise on the administration of this act and the preparation of rules promulgated thereunder. The committee shall consist of 11 members as follows: 1 from mobile home and recreational vehicle institute; 2 representing consumers, 1 who represents a recognized campground users association; 2 campground owners, 1 representing primitive camping; 2 representing counties; 2 representing local health departments; the director of the department of natural resources or his designated representative; and the director of the department of public health or his designated representative. Except for the directors of natural resources and public health, the member shall serve for a term of 3 years. However, of those first appointed, 3 members shall serve for a 1-year term, 3 members shall serve for a 2-year term and 3 members shall serve for a 3-year term.

### **SECTION 10:**

The director or his representative shall have access during all reasonable hours to any

campground for the purpose of inspection or otherwise carrying out the provisions of this act.

#### **SECTION 11:**

This act shall not apply to campgrounds used solely as a children's camp licensed by the department of social services or to properties owned by individuals or corporations licensed pursuant to Act 289, Public Acts of 1965, and used for housing seasonal agricultural workers employed by such individuals or corporations. This section shall not be so construed as to interfere in any way with the enforcement of sanitary controls by a health officer having jurisdiction in the area. No campground licensed under the provisions of this act shall be used for the housing of seasonal agricultural workers unless also licensed under Act 289, Public Acts of 1965.

#### **SECTION 12:**

This act shall not relieve any person from the provisions of local ordinances not in conflict with this act.

#### **SECTION 13:**

Any person found guilty of violating any of the provisions of this act is guilty of a misdemeanor.

#### **SECTION 14:**

Notwithstanding the existence of any other remedy, the director or the health officer may maintain an action in the name of the state for an injunction against any person to restrain or prevent the construction, enlargement or alteration of a campground without a permit, or the operation or conduct of a campground without a license.

#### **SECTION 15:**

The act shall take effect January 1, 1971.

### ***Recreational Trespass Act***

**Act 323, Public Acts of 1976**

**M.C.L.A. 317.171-317.181**

**M.S.A. 13.1482(1)-13.1482(11)**

An act to regulate certain trespass upon any lands; to prohibit the possession of a loaded firearm or discharge of a firearm within the limits of the right of way of any public highway adjoining certain lands; to prohibit posting or enclosing of lands, except by the owner or lessee of lands or by

his authorized agent; to provide for penalties; and to repeal certain acts and parts of acts.

#### **SECTION 1:**

This act shall be known and may be cited as the "recreational trespass act."

#### **SECTION 2:**

(1) A person shall not enter in or remain upon the lands of another, other than farm lands or connected farm wood lots, for the purpose of hunting; fishing in a private lake, pond or stream; operating a snowmobile, off-road recreational vehicle, or other motorized vehicle without the written consent of the owner, his lessee or agent, under any of the following conditions:

(a) The lands are fenced or enclosed and maintained in a manner to exclude intruders.

(b) The lands are posted in a conspicuous manner against entry. The minimum letter height on the posting signs shall be 2 inches and the signs shall be so spaced as will enable a person to observe not less than 1 sign at any point of entry upon the lands.

(2) A person shall not enter upon farm lands or connected farm wood lots for any of the purposes cited in subsection (1) without written consent of the owner, his lessee or agent, whether or not the farm lands or connected wood lots are fenced, enclosed, or posted.

(3) On fenced or posted lands or farm lands, a fisherman wading or floating a navigable, public stream of a length greater than 15 miles may, without written or verbal consent, enter upon the upland within the clearly defined banks of the stream or walk a route as closely proximate to the clearly defined bank as possible when necessary to avoid a natural or artificial hazard or obstruction, such as a dam, deep hole, a fence, or some other exercise of ownership by the riparian owner.

(4) As used in this section:

(a) "Off-road vehicle" means, an ORV as defined in section 1 (j) of Act No 319 of the Public Acts of 1975, being section 257.1601 of the Michigan Compiled Laws.

(b) "Snowmobile" means a snowmobile as defined in section 1 (e) of Act No. 74 of the Public Acts of 1968, as amended, being section 257.1501 of the Michigan Compiled Laws.

#### **SECTION 3:**

(1) A person shall not discharge a firearm within the right of way of a public highway adjoining or abutting any platted property; fenced, enclosed, or posted lands; or farm lands or connected farm

wood lots without the written consent of the owner, his lessee or agent, of the abutting lands.

(2) As used in this section "public highway" means a road or highway under the jurisdiction of the department of state highways and transportation or the road commission of a county.

#### **SECTION 4:**

A person shall not, without due authority for posting or enclosing lands from the owner, his lessee or agent, erect posters or enclose lands so as to prohibit the public enjoyment of hunting, fishing, trapping or other recreational activities on the lands.

#### **SECTION 5:**

(1) A prosecution under this act shall be in the name of the people of the state, and shall be brought before a district court of competent jurisdiction in the county in which the offense was committed, and within 1 year from the time the offense charged was committed.

(2) In a proceeding for a violation of this act, the presence of a person on the enclosed, fenced, or conspicuously posted premises of another, or upon any farm lands or farm wood lots connected therewith without written consent of the owner, his lessee or agent shall constitute *prima facie* evidence of unlawful entry.

(3) A peace officer or conservation officer may enforce this act upon complaint of the landowner, his lessee or agent.

#### **SECTION 6:**

No cause of action shall arise for injuries to any

person who is on the lands of another, including farm lands and connected wood lots, without paying to such other person a valuable consideration for the purpose of hunting, fishing, trapping, camping, hiking, sightseeing, motorcycling, snowmobiling, or any other outdoor recreational use, with or without permission, against the owner, his lessee or agent of the premises unless the injuries were caused by the gross negligence or willful and wanton misconduct of the owner, his lessee or agent.

#### **SECTION 7:**

A prosecuting attorney shall enforce this act and prosecute all persons charged with violating this act.

#### **SECTION 8:**

A person shall not resist or obstruct a peace officer or a conservation officer enforcing the provisions of this act.

#### **SECTION 9:**

A person who violates this act is guilty of a misdemeanor.

#### **SECTION 10:**

Act No. 285 of the Public Acts of 1927, being sections 317.161 to 317.165 of the Compiled Laws of 1970, is repealed.

#### **SECTION 11:**

This act shall not take effect unless House Bill No. 6219 and House Bill No. 6221 of the 1976 regular session of the legislature are enacted into law.

# CHAPTER IX — Trailer Parks

## *Trailers, Regulation and Taxation*

**Act 172, Public Acts of 1958**

**M.C.L.A. 125.741-125.745**

**M.S.A. 5.278(21)-5.278(25)**

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:**

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:**

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:**

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:**

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

## *Mobile Home Park Act*

**Act 243, Public Acts of 1959**

**M.C.L.A. 125.1001-125.1097**

**M.S.A. 5.278(32)-5.278(127)**

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.

# CHAPTER X — Park Rules and Regulations

## *Liquor Law*

### **Act 8, Public Acts of 1933**

**M.C.L.A. 436.34**

**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.

## *Curfew for Minors*

### **Act 41, Public Acts of 1960**

**M.C.L.A. 722.751-722.754**

**M.S.A. 28.342(1)-28.342(4)**

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:**

- 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:**

- a. A minor under the age of 16 shall not:

1. Same as section 1, except the hours are 12 o'clock midnight until 6 o'clock a.m. immediately following, or where the minor is upon an errand or other legitimate business directed by his parent or legal guardian.

### **SECTION 3:**

- 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.

## *Littering*

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

**M.C.L.A. 752.901-752.906**

**M.S.A. 28.603(1)-28.603(6)**

An act to define, control and prohibit the littering of public and private property and waters; to prescribe penalties for violation of this act; and to repeal certain acts and parts of acts.

### **SECTION 1:**

It is unlawful for a person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on public or private property or water other than property designated and set aside for such purposes. The phrase "public or private property or water" includes, but is not limited to, the right of way of a road or highway, a body of water or watercourse, or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge or conservation or recreation area; and residential or farm properties or timberlands.

### **SECTION 2:**

The term "litter" as used means all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris or other foreign substances of every kind and description.

### **SECTION 3:**

(This section pertains to violations, penalties, presumptions and the definitions of vehicle and vessel.)

### **SECTION 4:**

(This section pertains to the posting of signs and notices.)

## **SECTION 5:**

(This section repeals certain acts and portions of acts.)

## **SECTION 6:**

This act shall not affect or in any way limit the powers of cities, villages and townships to enact and enforce ordinances for the control and elimination of litter.

## ***Disturbance, Penal Code***

**Act 328, Public Acts of 1931**

**M.C.L.A. 750.170**

**M.S.A. 28.367**

- 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.

## ***Public Bathing Beaches***

**Act 218, Public Acts of 1967**

**M.C.L.A. 325.631-325.635**

**M.S.A. 14.447(101)-14.447(105)**

An act to protect the public health by providing for the supervision and control of bathing beaches open to the public; to prescribe the functions of health agencies; to authorize the establishment of rules for sanitation standards; and to provide penalties for violation of this act.

## **SECTION 1:**

The health officer or his authorized representatives of the city, county or district health department having jurisdiction may test and otherwise evaluate the quality of water at bathing beaches open to the public to determine whether the water is safe for bathing purposes. If in his opinion based upon the standards prescribed by the rules adopted under section 3, the water is unsafe for bathing, he may petition the circuit court of the county in which said beach is located for an injunction ordering the governmental agency or person owning or operating the bathing beach to close the beach for use by bathers or other measures that the court deems proper to keep persons from entering

thereon. The circuit judge may grant an injunction.

## **SECTION 2:**

The director of the department of public health or his authorized representatives shall consult and cooperate with city, county and district health department directors and shall provide training for their employees or otherwise assist in the effective administration of this act.

## **SECTION 3:**

The director of public health in concert with the conference of local health officers, shall promulgate rules which shall contain minimum sanitation standards for determining water quality at bathing beaches open to the public which will be used by health officers of city, county and district health departments to establish the safety of the water for swimming. Any water quality standards adopted under provisions of this section shall be in conformity with the official state water quality standards adopted by the water resources commission under the authority of Act 245, Public Acts of 1929, as amended, and subject to Act 197, Public Acts of 1952, as amended.

## **SECTION 4:**

Any person convicted of violating any provision of this act is guilty of a misdemeanor.

## **SECTION 5:**

Nothing in this act shall change the authority of local boards of health or health committees or boards of supervisors to enact local regulations in accordance with Act 306, Public Acts of 1927, as amended.

## ***Vandalism***

**Act 280, Public Acts of 1969**

**M.C.L.A. 318.251-318.255**

**M.S.A. 13.1064(1)-13.1064(5)**

An act to prohibit vandalism in state or publicly owned parks and recreation areas; to provide penalties; and to provide for recovery of damages.

## **SECTION 1:**

It is unlawful to destroy, damage or remove any tree, shrub, wildflower or other vegetation, or to destroy, damage, deface or remove any state or publicly owned property in any state or public park or recreation area.

## **SECTION 2:**

Any person who violates any provision of this act is guilty of a misdemeanor.

## **SECTION 3:**

(1) In addition to the penalties provided in this act for violating its provisions, any person convicted for an act of vandalism shall reimburse the state or public agency for up to 3 times the amount of the damage as determined by the court.

(2) In every case of conviction for the offenses, the court before whom such conviction is obtained, shall enter judgment in favor of the state or public agency and against the defendant for liquidated damages in a sum as provided in subsection 1. The state or public agency shall, with the assistance of the prosecuting attorney, collect the award by execution or otherwise. If 2 or more defendants are convicted of vandalism, the judgment for damages shall be entered against them jointly. If the defendant is a minor, the judgment shall be entered against his parents.

## **SECTION 4:**

Upon collection, the sums shall be credited to the general fund of the public agency involved and shall be used for repairs and improvements to the parks.

## **SECTION 5:**

Cities, villages, townships and counties may adopt ordinances imposing penalties and providing for the collection of triple damages against any person convicted of an act of vandalism in a park or recreation area owned and operated by the city, village, township or county.

## ***Protection of Wildlife in City Parks***

**Act 406, Public Acts of 1919**  
**M.C.L.A. 317.121-317.122**  
**M.S.A. 13.1431-13.1432**

An act to protect deer, moose, elk, caribou, badger, beaver, muskrat, pheasant, grouse, partridge and swan, in and within two miles from, any public park belonging to any city and containing over 200 acres of which one hundred and fifty acres or more is woodland.

## **SECTION 1:**

No person shall hunt for, pursue, trap, capture, kill or destroy by any means whatever, any animal commonly known as deer, moose, elk, caribou, badger, beaver or muskrat, or any bird commonly known as pheasant, grouse, partridge or swan, in or within 2 miles from any public park belonging to any city and containing over 200 acres of which one hundred and fifty acres or more is woodland: Provided, the section shall not apply to any act done in any public park by the superintendent, keeper or custodian thereof.

## **SECTION 2:**

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or by both fine and imprisonment in the discretion of the court.

# CHAPTER XI — Revenue

## ***Revenue Bond Act***

**Act 94, Public Acts of 1933**  
**M.C.L.A. 141.101-141.139**  
**M.S.A. 5.2731-5.2766(3)**

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; to provide for a pledge by public corporations of their full faith and credit for the payment of the bonds.

## **SECTION 3: 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.

# CHAPTER XII —

## Environmental Protection and Preservation

### **Thomas J. Anderson, Gordon Rockwell Environmental Protection Act**

**Act 127, Public Acts of 1970  
M.C.L.A. 691.1201-691.1207  
M.S.A. 14.528(201)-14.528(207)**

An act to provide for actions for declaratory and equitable relief for protection of the air, water and other natural resources and the public trust therein; to prescribe the rights, duties and functions of the attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity; and to provide for judicial proceedings relative thereto.

#### **SECTION 1:**

This act, shall be known and may be cited as the "Thomas J. Anderson, Gordon Rockwell Environmental Protection Act of 1970."

#### **SECTION 2:**

(1) The attorney general, any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, organization or other legal entity may maintain an action in the circuit court having jurisdiction where the alleged violation occurred or is likely to occur for declaratory and equitable relief against the state, any political subdivision thereof, and person, partnership, corporation, association, organization or other legal entity for the protection of the air, water and other natural resources and the public trust therein from pollution, impairment or destruction.

(2) In granting relief provided by this subsection

(1) where there is involved a standard for pollution or for an anti-pollution device or procedure, fixed by rule or otherwise, by an instrumentality or agency of the state or political subdivision thereof, the court may: (a) Determine the validity, applicability and reasonableness of the standard. When a court finds a standard to be deficient, direct the adoption of a standard approved and specified by the court.

#### **SECTION 2a:**

If the court has reasonable ground to doubt the solvency of the plaintiff or the plaintiff's ability to pay any cost or judgment which might be rendered against him in an action brought under this act, the court may order the plaintiff to post a surety bond or cash not to exceed \$500.00.

#### **SECTION 3:**

(1) When the plaintiff in action has made a *prima facie* showing that the conduct of the defendant has, or is likely to pollute, impair or destroy the air, water or other natural resources or the public trust therein, the defendant may rebut the *prima facie* showing by the submission of evidence to the contrary. The defendant may also show, by way of an affirmative defense, that there is no feasible and prudent alternative to the defendant's conduct and that such conduct is consistent with the promotion of the public health, safety and welfare in light of the state's paramount concern for the protection of its natural resources from pollution, impairment or destruction. Except as to the affirmative defense, the principles of burden of proof and weight of the evidence generally applicable in civil actions in the circuit courts shall apply to actions brought under this act.

(2) The court may appoint a referee or master, who shall be a disinterested person and technically qualified to take testimony and make a record and a report of his findings to the court in action.

(3) Costs may be apportioned to the parties if the interests of justice require.

#### **SECTION 4:**

(1) The court may grant temporary and permanent equitable relief or may impose conditions on the defendant that are required to protect the air, water and other natural resources.

(2) If administrative, licensing or other proceedings are required or are available to determine the legality of the defendant's conduct, the court may remit the parties to such proceedings, which proceedings shall be conducted in accordance with and subject to the provisions of Act 306, Public Acts of 1969. In so remitting the court may grant temporary equitable where necessary for the protection of the air, water or other natural resources.

or public trust therein. In so remitting the court shall retain jurisdiction of the action pending completion thereof for the purpose of determining whether adequate protection from pollution, impairment or destruction has been afforded.

(3) Upon completion of such proceedings, the court shall adjudicate the impact of the defendant's conduct on the air, water or other natural resources or the public trust therein in accordance with this act. In such adjudication the court may order that additional evidence be taken to the extent necessary to protect the rights recognized in this act.

(4) Where, as to any administrative, licensing or other proceeding, judicial review thereof is available, notwithstanding the provisions to the contrary of Act 306, Public Acts of 1969, pertaining to judicial review, the court originally taking jurisdiction shall maintain jurisdiction for purposes of judicial review.

#### **SECTION 5:**

(1) Whenever administrative licensing or other proceedings, and judicial review thereof are available by law, the agency or the court may permit the attorney general any political subdivision of the state, any instrumentality or agency of the state or of a political subdivision thereof, any person, partnership, corporation, association, or organization or other legal entity to intervene as a party on the filing of a pleading asserting that the proceeding or action for judicial review involves conduct which has, or is likely to have, the effect of polluting, impairing or destroying the air, water or other natural resources or the public trust therein.

(2) In any such administrative, licensing or other proceedings, and in any judicial review thereof, any alleged pollution, impairment or destruction of the air, water or other natural resources or the public trust therein, shall be determined, and no conduct shall be authorized or approved which does, or is likely to have such effect so long as there is a feasible and prudent alternative consistent with the reasonable requirements of the public health, safety and welfare.

(3) The doctrines of collateral estoppel and res judicata may be applied by the court to prevent multiplicity of suits.

#### **SECTION 6:**

This act shall be supplementary to existing administrative and regulatory procedures provided by law.

#### **SECTION 7:**

This act shall take effect October 1, 1970.

### **Wilderness and Natural Areas Act**

#### **Act 241, Public Acts of 1972**

**M.C.L.A. 322.751-322.763**

**M.S.A. 13.734(1)-13.734(13)**

An act to create and regulate wilderness areas, wild lands and natural areas; to prescribe the functions of certain state officers; to require the promulgation of rules, and to prescribe penalties.

#### **SECTION 1:**

This act shall be known and may be cited as the "wilderness and natural areas act of 1972."

#### **SECTION 2:**

(This section pertains to definitions as used in this act.)

#### **SECTION 3:**

(This section pertains to the creation of an advisory board, membership, qualifications, terms and duties.)

#### **SECTION 4:**

(This section pertains to departmental review of land, dedication proposals and procedures and exchange of lands.)

#### **SECTION 5:**

1. The commission shall attempt to provide, insofar as possible, wild areas and natural areas in relative proximity to urban centers of more than 100,000 population:

2. Private land or land under the control of other governmental units may be designated in the same way as a wilderness area, wild area or natural area by the commission and administered by the department under a cooperative agreement between the owner and the commission.

#### **SECTION 6:**

The following are prohibited on state land in a wilderness area, wild area or natural area or on state land proposed by the department for dedication in one of these categories during the 90 days a dedication is pending pursuant to section 4:

a. Removing, cutting, picking or otherwise altering vegetation except as necessary for appropriate public access, the preservation or restoration of a plant or wildlife species or the documentation of scientific values and with written consent of the department.

b. Granting an easement for any purpose.

c. Exploration for or extraction of minerals.

d. A commercial enterprise, utility or permanent road.

e. A temporary road landing of aircraft, use of motor vehicles, motorboats or other form of mechanical transport, or any structure or installation, except as necessary to meet minimum emergency requirements for administration as a wilderness area, wild area or natural area by the department.

f. Trapping and hunting when recommended by the department.

#### **SECTION 7:**

A person who lands an aircraft or operates a motor vehicle, motorboat or other form of mechanical transport in a wilderness area, wild area or natural area without the express written consent of the department is guilty of a misdemeanor.

#### **SECTION 8:**

1. State land in a wilderness area, wild area or natural area shall be maintained or restored so as to preserve its natural values in a manner compatible with this act.

2. Grasslands, forested lands, swamps, marshes, bogs, rock outcrops, beaches and wholly enclosed waters of this state which are an integral part of a wilderness area, wild area or natural area shall be included within and administered as a part of the area.

#### **SECTION 9:**

(This section pertains to the posting of signs and sign content.)

#### **SECTION 10:**

(This section pertains to the acquisition of land.)

#### **SECTION 11:**

(This section pertains to taxation, audit of assessments, and appropriations.)

#### **SECTION 12:**

(This section pertains to rights, status of land and taxes prior to the effective date of this act.)

#### **SECTION 13:**

This act shall take effect July 1, 1972.

### ***Natural Rivers Act***

**Act 231, Public Acts of 1970**  
**M.C.L.A. 281.761-281.766**  
**M.S.A. 11.501-11.516**

An act to authorize the establishment of a system

of designated wild, scenic and recreational rivers; to prescribe the powers and duties of the natural resources commission with respect thereto; to fund necessary study and comprehensive planning for the establishment of the system; to provide for planning, zoning and cooperation with local units of government; to authorize local units of government and the commission to establish zoning districts in which certain uses of rivers and related lands may be encouraged, regulated and prohibited; to provide for limitations on uses of lands and their natural resources, and on the plotting of land; and to provide that assessing officers shall take cognizance of the effect of zoning on true cash value.

NOTE: The Natural Rivers Act of 1970 was not included in its entirety due to the large scope of the act. If one wishes to read the act in total, it may be found in the above M.C.L.A. or M.S.A. listings.

### ***Farmland and Open Space Preservation Act***

**Act 116, Public Acts of 1974**  
**M.C.L.A. 554.701-554.719**  
**M.S.A. 26.1287(1)-26.1287(19)**

An act to provide for farmland development rights agreements and open space development rights easements; to prescribe the duties of the state land use agency; to prescribe the duties of local governing bodies; to prescribe the powers and duties of certain state departments; and to prescribe penalties.

#### **SECTION 1:**

This act shall be known and may be cited as the "farmland and open space preservation act."

#### **SECTION 2:**

(This section pertains to definitions as used in this act.)

#### **SECTION 3:**

(This section pertains to development rights agreements or easements executed by the state.)

#### **SECTION 4:**

1. The execution and acceptance of a development rights agreement or easement by the state or local governing body and the owner shall constitute a dedication to the public of the development rights in the land for the term specified in the instrument. A development rights agreement or

easement shall be for a term of not less than 10 years.

2. The state or local governing body shall not sell, transfer, convey, relinquish, vacate or otherwise dispose of a development rights agreement or easement except with the mutual agreement of the owner as provided in sections 12, 13 and 14.

3. An agreement or easement shall not supersede any prior lien, lease or interest which is properly recorded with the county register of deeds.

4. A lien created under this act in favor of the state or a local governing body shall be subordinate to a lien of a mortgage which is recorded in the office of the register of deeds before the recording of the lien of the state or local governing body.

## **SECTION 5:**

(This section pertains to farmland development rights agreement, application, approvals and rejection, execution and taxation.)

## **SECTION 6:**

1. If an owner of open space land desires an open space development rights easement, and the land is subject to the provisions of section 2(8)(a), the procedures for filing an application provided by the state land use agency shall follow as provided in section 5, except subsections (7) and (11).

2. The state land use agency, within 60 days after the open space development rights easement application has been received, shall approve or reject the application. If approved by the state land use agency, it shall prepare an open space development rights easement which shall include the following provisions:

a. A structure shall not be built on the land without the approval of the state land use agency.

b. Improvement to the land shall not be made without the approval of the state land use agency.

c. Any interest in the land shall be sold only for a scenic access, or utility easement which does not substantially hinder the character of the open space.

d. Access to the open space land may be provided if agreed upon by the owner and will not jeopardize the conditions of the land.

e. Any other condition or restriction on the land as agreed to by the parties that is deemed necessary to preserve the land or appropriate portions of it as open space land. (The processing of the application is included in this subsection.)

3. (This subsection pertains to exemption of ad valorem tax.)

## **SECTION 7:**

(This section pertains to open space development rights easement approved by local governing bodies.)

## **SECTION 8:**

(This section pertains to notice of landowner's intentions prior to termination of development rights agreement or easement.)

## **SECTION 9:**

(This section pertains to special assessments exemptions by local governments.)

## **SECTION 10:**

(This section pertains to income and single business tax credits.)

## **SECTION 11:**

(This section pertains to sale or release of land subject to development rights agreement.)

## **SECTION 12:**

(This section pertains to relinquishment of development rights agreement.)

## **SECTION 13:**

(This section pertains to relinquishment by the state of open space development rights easement.)

## **SECTION 14:**

(This section pertains to relinquishment by local governing body of open space development rights easement.)

## **SECTION 15:**

(This section pertains to prohibited use of land subject to development rights agreement or easement, injunction and damages.)

## **SECTION 16:**

(This section pertains to the cooperation of state departments and agencies.)

## **SECTION 17:**

(This section pertains to promulgating rules.)

## **SECTION 18:**

(This section pertains to a state preservation plan, reports and recommendations.)

## **SECTION 19:**

(This section pertains to the effective date of this act.)

## ***Shorelands Protection and Management Act***

**Act 245, Public Acts of 1970**  
**M.C.L.A. 281.631-281.645**  
**M.S.A. 13.1831-13.1845**

An act to provide for the protection and management of shorelands; to provide for zoning and zoning ordinances; to provide certain powers and duties; to authorize certain studies; to provide for development of certain plans; to promulgate rules; and to provide for certain remedies for violation of rules.

### **SECTION 12:**

(1) Within 18 months after the effective date of this act the commission (Waterways) shall, in compliance with the purposes of this act, prepare a plan for the use and management of shoreland — this section then goes on to what the plan shall include but not be limited to.

(2) Upon completion of the plan, the commission shall hold regional public hearings on the recommendations of the plan. Copies of the plan shall be submitted with hearing records to the governor and the legislature.

## ***Inland Lakes and Streams Act***

**Act 346, Public Acts of 1972**  
**M.C.L.A. 281.951-281.965**  
**M.S.A. 11.475(1)-11.475(15)**

An act to regulate inland lakes and streams; to protect riparian rights and the public trust in inland lakes and streams; to prescribe powers and duties; to provide remedies and penalties; and to repeal certain acts and parts of acts.

### **Index of Act 346, Public Acts of 1972.**

- SECTION 1** Inland Lakes and streams, short title
- SECTION 2** Definitions
- SECTION 3** Acts prohibited without permit
- SECTION 4** Acts permitted without permit
- SECTION 5** Permit; application; fee
- SECTION 6** Applications; list of pending; fee; review; inspection; hearing; notice; conditional permit

- SECTION 7** Permit; issuance criteria
- SECTION 8** Permit; duration, conditions; revocation, hearing
- SECTION 9** Bulkhead line; establishment; acceptance; provisions
- SECTION 10** Ordinary high water mark, agreement with riparian; fee, conclusiveness
- SECTION 11** Rules, promulgation; hearings; judicial review
- SECTION 12** Riparian owner's rights
- SECTION 13** Civil action by department; violations, penalty
- SECTION 14** Repeal of Act 291 of the Public Acts of 1965 as amended
- SECTION 15** Savings clause

## ***Soil Erosion and Sedimentation Control Act***

**Act 347, Public Acts of 1972**  
**M.C.L.A. 282.101-282.117**  
**M.S.A. 13.1820(1)-13.1820(17)**

An act to provide for the control of soil erosion and to protect the waters of the state from sedimentation; to prescribe the powers, duties and functions of state and local agencies; to provide for the promulgation of rules; and to provide remedies and penalties.

### **SECTION 2:**

(8) "Land use" means a use of land which may result in an earth change, including but not limited to subdivision, residential, commercial, industrial, recreational or other development, private and public highway, road and street construction, drainage construction, logging operations, agricultural practices and mining.

### **SECTION 6:**

(1) A county is responsible for the administration and enforcement of the rules throughout the county except within a city, village or charter township that has in effect an ordinance conforming to the provisions of this section and except with regard to land uses of authorized public agencies approved by the commission pursuant to section 11.

(2) The county board of commissioners, by resolution, shall designate a county agency as the county enforcing agency responsible for administration and enforcement in the name of the county. The resolution may set forth a schedule of fees for inspections, plan reviews and permits and may set forth other matters relating to the administration and enforcement of this act and the rules. A copy of the resolution and all subsequent amendments thereto shall be forwarded to the commission.

(3) Two or more counties may provide for joint enforcement and administration by entering into an interlocal agreement pursuant to Act No. 7 of the Public Acts of the Extra Session of 1967, being sections 124.501 to 124.512 of the Michigan Compiled Laws.

#### SECTION 7:

(1) A city, village or charter township by ordinance may provide for soil erosion and sedimentation control on public and private land uses within its boundaries except that a charter township ordinance shall not be applicable within a village that has in effect an ordinance providing soil erosion and sedimentation control. An ordinance may be more restrictive but may not make lawful that which is unlawful under this act and the rules. The ordinance may adopt all or part of the rules by reference, shall designate a local enforcing agency responsible for administration and enforcement of the ordinance and may set forth such other matters as the legislative body deems necessary or desirable. The ordinance shall be applicable and shall be

enforced with regard to all private and public land uses within the city, village or charter township except land uses of an authorized public agency designated pursuant to section 11. The city, village or charter township may consult with a soil conservation district for assistance or advice in the preparation of the ordinance.

(2) On July 1, 1975, an ordinance which is not approved by the commission as conforming to the minimum requirements of this act and the rules shall have no force or effect. With regard to a city, village or charter township ordinance in effect prior to July 1, 1974, a copy of the ordinance shall be submitted to the commission before September 1, 1974. With regard to an ordinance or an amendment proposed to be adopted on or after July 1, 1974, a copy of the proposed ordinance or proposed amendment shall be submitted to the commission for approval before adoption. The commission shall forward a copy to the appropriate soil conservation district for review and comment. Within 90 days after it receives an existing ordinance, proposed ordinance or amendment, the commission shall notify the clerk of the city, village or charter township of its approval or disapproval along with recommendations for revision to the extent that the ordinance, proposed ordinance or amendment does not conform to the minimum requirements of this act or the rules. If the commission does not so notify the clerk of the local unit within the 90-day period, the ordinance, proposed ordinance or amendment shall be deemed to have been approved by the commission.

# CHAPTER XIII — Recreational Vehicles

## **Snowmobile Act**

**Act 74, Public Acts of 1968**  
**M.C.L.A. 257.1501-257.1518**  
**M.S.A. 9.3200(1)-9.3200(18)**

An act to register and regulate snowmobiles.

### **SECTION 4c:**

(1) The department may implement a comprehensive snowmobile information, safety education and training program which shall include the preparation and dissemination of snowmobile information and safety advice to the public and training of operators. The program shall provide for the training of youthful operators and for issuance of snowmobile safety certificates to those who successfully complete this training.

(2) In implementing a program which is established pursuant to this section, the department shall cooperate with private organizations and associations, private and public corporations, schools and local governmental units. The department of natural resources shall consult with the department of state police and county sheriffs in regard to subject matter of a training program and performance testing that leads to certification of snowmobile operators.

(3) The department may designate any person it deems qualified to provide course instruction and to award snowmobile safety certificates.

### **SECTION 14:**

Any city, village or township may pass an ordinance regulating the operation of snowmobiles if the ordinance meets substantially the minimum requirements of this act. A city, village, township or county may not adopt an ordinance which:

- (a) Imposes a fee for a license.
- (b) Specifies accessory equipment to be carried on the snowmobile.
- (c) Requires a snowmobile operator to possess a motor vehicle driver's license.
- (d) Restricts operation of a snowmobile on the frozen surface of public waters or on lands owned by or under the control of the state except pursuant to section 14a.

### **SECTION 15:**

(This section regulates when, where and how snowmobiles are not to be operated.)

*Note: For those interested in the specifics of the Snowmobile Act, read it in its entirety in the above M.C.L.A. or M.S.A. listings.*

## **Off-Road Vehicles**

**Act 319, Public Acts of 1975**  
**M.C.L.A. 257.1601-257.1626**  
**M.S.A. 9.3300(1)-9.3300(26)**

An act to provide for the registration and regulation of off-road recreation vehicles; and to provide penalties.

### **SECTION 18:**

A county, city, village or township may pass an ordinance regulating the operation of ORVs if the ordinance meets the requirements of this act and does not permit actions this act prohibits or prohibit actions this act permits. A county, city, village or township may pass an ordinance establishing access routes along streets and highways under its jurisdiction, leading to and from areas where ORV operation is permitted, if those access routes do not involve state or federal highways and are limited in number to the minimum required to serve the area. A county, city, village or township may not adopt an ordinance which:

- a. Imposes a license fee.
- b. Specifies accessory equipment to be carried on the vehicle.
- c. Requires a vehicle operator to possess a motor driver's license while operating an ORV.
- d. Restricts operation of a vehicle on the frozen surface of public waters, or on lands owned by, or under the control of, the state except pursuant to section 19.

NOTE: Due to the length of Act 319, Public Acts of 1975, not all sections were included in this summary. If one wishes to read the act in total, it may be found in the Michigan Compiled Laws, Chapter 257, Sections 257.1601-257.1626, or the Michigan Statutes Annotated 9.3300(1)-9.3300(26).

# CHAPTER XIV — Liability

## *Liability of Landowners*

**Act 201, Public Acts of 1953**  
**M.C.L.A. 300.200**  
**M.S.A. 13.1485**

An act restricting suits by persons coming upon the property of another for certain purposes; and to declare the limited liability of owners of property within this state.

### **SECTION 1:**

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, motorcycling, snowmobiling, or any other outdoor recreational use, with or without permission, against the owner, tenant, or lessee of said premises unless the injuries were caused by gross negligence or wilful and wanton misconduct of the owner, tenant, or lessee.

## *Liability for Negligence of State and Political Subdivisions*

**Act 170, Public Acts of 1964**  
**M.C.L.A. 691.1401-691.1415**  
**M.S.A. 3.996(1)-3.996(15)**

An act to make uniform the liability of municipal corporations, political subdivisions, and the state, its agencies and departments, when engaged in the exercise or discharge of a governmental function, for injuries to property and persons; to define and limit such liability; to define and limit the liability of the state when engaged in a proprietary function; to authorize the purchase of liability insurance to protect against loss arising out of such liability; to provide for defending certain claims made against public officers and paying damages sought or awarded against them; and to repeal certain acts and parts of acts.

### **SECTION 1:**

As used in this act:

(a) "Municipal corporation" means any city, vil-

lage, township or charter township, or any combination thereof, when acting jointly.

(b) "Political subdivision" means any municipal corporation, county, township, charter township, school district, port district, or metropolitan district, or any combination thereof, when acting jointly, and any district or authority formed by 1 or more political subdivisions.

(c) "State" means the state of Michigan and its agencies, departments, and commissions, and shall include every public university and college of the state, whether established as a constitutional corporation or otherwise.

(d) "Governmental agency" means the state, political subdivisions, and municipal corporations as herein defined.

(e) "Highway" means every public highway, road and street which is open for public travel and shall include bridges, sidewalks, crosswalks and culverts on any highway. The term "highway" shall not be deemed to include alleys.

### **SECTION 7:**

Except as in this act otherwise provided, all governmental agencies shall be immune from tort liability in all cases wherein the government agency is engaged in the exercise or discharge of a governmental function. Except as otherwise provided herein, this act shall not be construed as modifying or restricting the immunity of the state from tort liability as it existed heretofore, which immunity is hereby affirmed.

### **SECTION 13:**

The immunity of the state shall not apply to actions to recover for bodily injury or property damage arising out of the performance of a proprietary function as herein defined. Proprietary function shall mean any activity which is conducted primarily for the purpose of producing a pecuniary profit for the state, excluding, however, any activity normally supported by taxes or fees. No action shall be brought against the state for injury or property damage arising out of the operation of proprietary function, except for injury or loss suffered on or after July 1, 1965.

# CHAPTER XV — Miscellaneous

## **Water Resources Commission**

**Act 245, Public Acts of 1929**

**M.C.L.A. 323.1-323.13**

**M.S.A. 3.521-3.533**

An act to create a water resources commission to protect and conserve the water resources of the state, to have control over the pollution of any waters of the state and the Great Lakes, . . .

### **SECTION 6:**

(a) It shall be unlawful for any persons directly or indirectly to discharge into the waters of the state any substance which is or may become injurious to the public health, safety or welfare; or which is or may become injurious to domestic, commercial, industrial, agricultural, recreational, or other uses which are being or may be made of such waters; or which is or may become injurious to the value or utility of riparian lands; or which is or may become injurious to livestock, wild animals, birds, fish, aquatic life, or plants or the growth or propagation thereof be prevented or injuriously affected; or whereby the value of fish and game is or may be destroyed or impaired.

## **Historic Sites**

**Act 69, Public Acts of 1976**

**M.C.L.A. 399.111-399.113**

**M.S.A. 15.1816(1)-15.1816(3)**

An act to permit the secretary of state to acquire and operate state historic sites; to accept gifts for that purpose; to prohibit the use of general fund moneys to maintain property purchased pursuant

to this act; and to permit investment in certain funds to carry out the purpose of this act.

### **SECTION 1:**

The secretary of state may acquire and maintain historic sites for use by the public. The secretary of state may take lands or rights to lands in the name of the state and for the benefit of the public by either purchase or gift. The secretary of state may enter into contracts for the purchase of historic sites listed on the state register of historic sites, and on fulfillment of the terms and conditions in a contract may accept a deed or deeds.

### **SECTION 2:**

The secretary of state may receive and hold in trust for the state a grant or devise of land or rights in land and a gift or bequest of money or other nonhistoric personal property made for the purposes of this act. When money or other personal property is received, the property shall be turned over to the state treasurer who shall preserve and invest, upon approval of the secretary of state, the funds received in securities banks are permitted to invest in. The invested funds shall be known as the "state historic site fund" and the proceeds shall be used and expended under the direction of the secretary of state to carry out the purposes of this act. No general fund revenues shall be used to maintain property purchased or donated under this act.

### **SECTION 3:**

Any municipality may transfer the care and control of an historic site or property suitable as an historic site to the secretary of state. The transfer shall be upon terms and for a period of time as may be mutually agreed upon.

