

ORDINANCE NO. 53

TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN
ORDINANCE SETTING FORTH THE POWERS AND DUTIES OF CONSTABLES

An ordinance to restrict and limit the powers and duties prescribed by state law for township constables; to authorize and prescribe ordinance enforcement duties by constables; to require minimum employment standards imposed by Public Act 203 of 1965, as amended (MCL 28.601 *et seq.*); to establish liability for violations of the provisions of this ordinance; and to repeal all ordinances or parts of ordinances in conflict with this ordinance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF WHITEFORD, MONROE
COUNTY, MICHIGAN, ORDAINS:

Section 1: Duties and Powers.

Pursuant to authority vested in the Whiteford Township Board by Public Act 426 of 1976 (MCL 41.82) of the State of Michigan, no elected or appointed Constable of Whiteford Township shall exercise any power or assume any duty prescribed by the laws of the State of Michigan, except as follows:

1. Township Constables shall be authorized to serve all civil notices and process lawfully directed to them by the Township Board, the Township clerk or another officer.
2. Township Constables shall be authorized to serve any writ, process or order lawfully directed to them in any Township within Monroe County, Michigan.
3. Township Constables shall be authorized to be ministerial officers of the District Court and may be appointed as a District Court officer by the District Court and may perform the duties permitted pursuant to Chapter 83 of Public Act 236 of 1961, as amended (MCL 600.8301 to 8395).
4. Township Constables shall be authorized and may be appointed by the Township Board as traffic officers, pursuant to MCL 41.813, to perform the duties of that office,

including the authority to issue appearance tickets but not to make arrests except pursuant to section 4 of this ordinance.

5. Township Constables shall be authorized to attend sessions of the Circuit Court for the County of Monroe, when notified or subpoenaed for that purpose by the Sheriff of this County or other court authorized personnel. The Township shall pay the Constables for their time and expenses associated with complying with the notification or subpoena.

6. Township Constables shall be authorized, when directed by the Township Board, to perform liquor control inspections under the Liquor Control Ordinance of this Township.

7. Township Constables shall be authorized to enforce all ordinances of Whiteford Township as provided in section 2 and section 3 of this ordinance, including the authority to issue appearance tickets but not to make arrests except pursuant to section 4 of this ordinance.

8. Township constables shall be authorized, when directed by the Township Board, to serve as civil preparedness officers.

9. Township constables shall be authorized to assist other law enforcement agencies when assistance is requested by that agency.

10. Township constables shall be authorized to perform such other duties or powers of their office when so directed by the Township Board, elected Township Officer, or Township Attorney.

Section 2: Ordinance Enforcement Authority.

Township Constables are hereby authorized to enforce all ordinances of Whiteford Township, whether currently or hereafter enacted, and whether such ordinances specifically designate a different official to enforce the same or do not designate any particular enforcing officer. Where a particular officer is so designated in any such ordinance, the authority of the constable to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. Any ordinance-enforcing authority of the Township Supervisor and any other officers specifically designated in any Township Ordinance or State statute shall continue in full force and

effect and shall in no way be diminished or impaired by the terms of the within ordinance.

Section 3: Ordinance Enforcement Duties.

The ordinance enforcement duties herein authorized shall include, among others, the following: investigating ordinance violations; issuing and serving ordinance violations notices; issuing and serving appearance tickets as authorized pursuant to MCL 764.9c, as amended; issuing and serving municipal ordinance violations notices and municipal civil infraction citations as authorized under Public Act 12 of 1994, as amended (MCL 600.8701); Appearing in court or other judicial proceedings to assist in the prosecution of ordinance violators; and such other ordinance enforcement duties as may be delegated by the Township Supervisor or assigned by the Township Attorney.

Section 4: Employment Standards.

When a Township Constable is required to perform both statutory criminal and civil duties, such Township Constable shall comply with the minimum employment standards established by the Law Enforcement Officer Training Council pursuant to Section 9 of Public Act 203 of 1965, as amended, (MCL 28.609). The cost of complying with these standards shall be borne by the Township. The employment standards of this section shall not apply when a Township Constable is appointed as a District Court officer (MCL 41.82).

Section 5: Weapons and Training.

No Township Constable shall carry any firearm or other weapon in the performance of his duties unless such Township Constable shall have completed a weapons training program conducted by the Michigan State Police, Monroe County Sheriff or other certified range instruction officer and also has a current, valid concealed weapons permit. In addition, all Constables shall be required to satisfactorily complete all training classes and obtain all certifications requested by the Township Board.

Section 6: Limitation of Authority.

The Whiteford Township Board is hereby authorized, by resolution at any regular meeting of said Board, to remove the authorities granted to any Township Constable by this ordinance, in the sole discretion of said board.

Section 7: Liability.

Any elected or appointed Township Constable who shall violate any provision of this ordinance shall thereby assume sole responsibility and liability for any damages resulting from such action constituting said violation.

Section 8: Severability.

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 9: Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 10: Effective Date.

This Ordinance shall take effect immediately upon publication as required by law following adoption by the Township Board.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF WHITEFORD,
MONROE COUNTY, MICHIGAN**

By: Angela Christensen
Angela Christensen,
Whiteford Township Clerk

AUTHENTICATED:

By: Walter Ruhl
Walter Ruhl,
Whiteford Township Supervisor

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was

adopted by the Township Board of the township of Whiteford, Monroe County, Michigan, at a regular meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 19th day of June, 2012.

The vote on said Ordinance, five (5) members being present and zero (0) members being absent, was as follows:

Member's Last Name

Voting in Favor:	<u> Sahloff </u>	_____
	<u> Hill </u>	_____
	<u> Christensen </u>	_____
	<u> Ruhl </u>	_____
	_____	_____
Voting Against:	<u> Dressel </u>	_____
	_____	_____
	_____	_____
	_____	_____
	_____	_____
Abstained:	_____	_____
	_____	_____
Absent:	_____	_____
	_____	_____

I, Angela Christensen, the Township Clerk of the Township of Whiteford, do hereby certify that this Ordinance, or a summary of it, was published on the _____ day of _____ 2012 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: _____, 2012

Angela Christensen

Angela Christensen,
Whiteford Township Clerk

ATTEST:

Walter Ruhl

Walter Ruhl,
Whiteford Township Supervisor

ADOPTED: 6-19-2012

PUBLISHED: 6/28/2012

EFFECTIVE: 7/28/2012