

Ordinance 66
Duties of Constable
Bridgewater Township

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 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 of Bridgewater ordains:

Section 1. Duties and Powers.

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

- 1.1. Township Constables shall be authorized to serve all civil notices and process lawfully directed to them by the Township Board including the authority to issue appearance tickets.
- 1.2. Township Constables shall be authorized to attend sessions of the District or Circuit Court, 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
- 1.3. Township Constables shall be authorized to enforce all ordinances of Bridgewater Township as provided in section 2 and section 3 of this ordinance, including the authority to issue appearance tickets but not to make arrests.
- 1.4. Township constables shall be authorized, when directed by the Township Board, to serve as civil preparedness officers.
- 1.5. Township constables shall be authorized to perform such other duties or powers of their office when so directed by the Township Board.

Section 2. Ordinance Enforcement Authority.

- 2.1. Township Constables are hereby authorized to enforce all ordinances of

Bridgewater 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, but only when expressly authorized to do so by the Township Board. Absent such express direction and authority from the Township Board, the Constable shall have no authority to enforce the ordinances.

- 2.2. 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.

When so authorized by the Township Board, as provided for in Section 2.1, above, the ordinance enforcement duties shall include, among others, the following:

- 3.1. 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);
- 3.2. Appearing in court or other judicial proceedings to assist in the prosecution of ordinance violators; and
- 3.3. Such other ordinance enforcement duties as may be delegated by the Township Supervisor or assigned by the Township Board.

Section 4. Weapons.

No Township Constable shall carry any firearm or other weapon in the performance of his or her duties.

Section 5. Limitation of Authority.

The Bridgewater 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 6. Liability.

Any elected 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 7. 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 8. Repeal.

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

Section 9. Effective Date.

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

This Ordinance shall become effective upon publication.

YEAS: Faust, Fromhart, Mull, Oliver, Riley

NAYS: None

ABSENT: None

Ordinance declared adopted on November 1, 2012.

Jolea Mull
Supervisor for the
Township of Bridgewater

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Laurie Fromhart, the duly elected Clerk of the Township of Bridgewater certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Bridgewater on November 1, 2012 and published in the Manchester Enterprise, a newspaper circulated in the Township of Bridgewater on November 22, 2012.

Laurie Fromhart
Clerk for the
Township of Bridgewater