

AN ANALYSIS OF THE
STATE OF MICHIGAN LEGISLATION
PERTAINING TO PARK AND
RECREATION LAW ENFORCEMENT

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ABSTRACT

AN ANALYSIS OF THE STATE OF MICHIGAN LEGISLATION PERTAINING TO PARK AND RECREATION LAW ENFORCEMENT

By

Rodney R. Zwick

Michigan law enforcement legislation was found to meet recreation law enforcement criteria in the areas of powers required for enforcement, intergovernmental law enforcement compacts and provision for duties and responsibilities. However, it did not provide sufficiently for minimum standards of education, restrictions on enforcement powers and formulation of policy. A model curriculum is prepared to correct the apparent deficiencies. Policy guidelines are recommended. Restrictions on enforcement power are furnished to improve upon the accountability and image of law enforcement.

Analysis is based on a comparison of existing legislation with law enforcement and recreation ideals. A compendium of pertinent legislation is appended.

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By
Rodney R. Zwick

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CHAPTER I

STONEMAN MEADOW

Conflicts and Casualties

On July 3, 1970, at 7:00 p.m. mounted rangers disbanded a crowd of young people gathered at Stoneman Meadow in the heart of Yosemite Valley. The young had gathered for the weekend and had challenged the authority to close the meadow at 7:00 p.m. rather than at the "normal" 10:00 p.m. quiet hour. The mold had been cast for the next day's events. An angry undercurrent prevailed among the youth the next day.

On the 4th of July approximately 500 people, mostly under 25, regrouped in the meadow to continue the previous day's activities. The sweet smell of marijuana and wine filled the smoky air. Park administrators, in anticipation of a new challenge to the 7:00 p.m. posted curfew, scouted for additional manpower. Maintenance men, trail crews, fire control aids and concessionaires were recruited for the expected confrontation. In the afternoon several rangers walked through the meadow people and asked them to leave. They didn't. Toward the seven o'clock deadline great numbers of spectators began to line the edges of the rectangular meadow for the upcoming confrontation. At curfew time the park personnel requested that the meadow people disperse. The young refused and sat in a circle defying the helmeted personnel gathering on the wooded fringe. Suddenly personnel burst from the wooded fringe. On foot and on horseback they charged toward the meadow people swinging

nightsticks. In response, the young encouraged by bystanders, scattered, then regrouped. With rocks, clubs and wine bottles they drove their attackers from the meadow.

The park administration summoned police from neighboring Mariposa, Merced, Fresno and Madera Counties as well as California Highway Patrolmen.¹ Through the night the Yosemite Valley was the scene of an armed fray producing casualties among the young people and the police. Perhaps a more important casualty was the image of the national parks as being free of the urban vices and conflicts and the ranger as a guide to the pleasure seekers and protector of park resources. Smokey Bear was suddenly Smokey Pig and the nation was indignant, hurt and divided as to the proper requirements, role and methods for the park rangers.²

Likewise the park administrators and personnel were confused about their position. The park is no longer in a social vacuum. The visitor enters the park burdened with the artifacts and expectations of his day to day existence, differing only in the objects and attitudes they haul into the park. Drugs, guitars and motorcycles of the young are found to be parallel but conflicting with the 350 horsepower sedan, television and alcohol of the established family man.³ Campers congregate together in groups and when conflicts develop between them the park ranger must be prepared to meet the situation. At Stoneman's Meadow, the rangers were trying to handle a situation for which they were ill equipped in training, material and ideology.⁴

¹Jack Hope, "Hassles in the Park", Natural History, LXXX No. 5 (1971), p. 23.

²Ibid., p.82-83.

³Ibid., p. 82.

⁴William C. Everhart, The National Park Service (New York: Praeger Publishers, Inc., 1972), p. 225.

In Michigan, the Memorial Day weekend of 1972 saw the extortion of campers by the young. Thefts of camping gear, rule violations, threats and drug use resulted in public outcries and lessened the "camping experience" that the general public was trying to gain.¹ Campers demanded more protection and the legislature wanted to know what could be done. Like Stoneman Meadow, the park rangers within the park service were asking what was causing the changes? What changes need to be made in their training and role? "We were the friendly rangers", said one chief ranger. Now he dons a riot helmet and practices with pistols, clubs and chemical Mace and finds his duties ever more demanding and complex.² Deviant behavior and the resultant conceptions by society have placed new demands on park and recreation administrators.³ Park rangers are now asking what they can do. What are our powers? What are the laws and are they appropriate? They are asking how they can improve and how they can be more effective.

Problem

The legal powers of varying agencies differ significantly, but their enforcement capabilities are equally impotent. Lack of adequate manpower and training and the unwillingness of campground rangers to view themselves as policemen contribute to the ineffectiveness of enforcement.⁴

¹Tom Opre, "Today's Youth Could Wreck Our Parks System", Detroit Free Press, July 9, 1972, Sec. D, p. 4.

²Everhart, The National Park Service, p. 225.

³Harold Lewis Malt Associates, "An Analysis of Public Safety as Related to the Incidence of Crime in Parks and Recreation Areas in Central Cities", (Phase I Report, U.S. Department of Housing and Urban Development Contract H-1481, Washington, D.C., 1972).

⁴Frederick L. Campbell, John C. Hendee and Roger Clark, "Law and Order in **Public Parks**", Parks and Recreation, III, No. 12 (1968), pp. 30-31.

Law enforcement within the park and recreation setting must seek ways to respond appropriately to deviant behavior and the politics of confrontation without destroying the quality of the park and recreation experience. The major problem is that park and recreation professionals are facing more law enforcement situations of greater complexity now than ever before. Considering the specialized nature of the recreation environment, are the laws pertaining to recreation and park law enforcement adequate to meet the duties and responsibilities with which they are faced in maintaining order and protection? Although law is not the cure for all the problems which the park and recreation administrator must face, it is an important tool for action in providing adequate park and recreation services.

Intent of the Study

The intent of this study is to describe the ideals of law enforcement as they relate to parks and recreation and to analyze existing Michigan legislation in light of the ideals. Increased emphasis has been put on law and law enforcement, but little research has been attempted by recreation researchers concerning law and law enforcement as it pertains to park and recreation.

Michigan state parks are having increasing problems of deviant behavior. Park and recreation administrators must meet the new challenge to their profession by gaining a thorough knowledge of responsibilities, powers and duties. This study will attempt to provide some answers to the problem by describing an ideal for park and recreation law enforcement. This will be derived by focusing on law in its relation to society; an overview of law enforcement with emphasis on powers and duties; and the nature of recreation in regard to law enforcement. The second part of

the study will focus on the existing Michigan legislation pertaining to park and recreation law enforcement, reflecting powers and duties. The compilation of Michigan legislation will include state statutes regarding law enforcement at both the state and local levels of parks and recreation. Methodology used in collecting the data shall be included. The third part of the study will analyze the existing Michigan legislation in light of the ideal by examining the strengths and weaknesses. Conclusions shall be formed regarding the existing measure of the legislation and recommendations shall be included for improvement and further research. Recently, law has come into prominence as a factor capable of balancing the increasing demands placed on our park and recreation areas with the existing resources.¹

¹Earl F. Murphy, Man and His Environment: Law (New York: Harper and Row, Inc., 1971), p.40.

CHAPTER II

LAW AND ITS ENFORCEMENT

Law

The Written Law

Law, or legislation as the written law, is a reflection of the ethical, religious, economic and political goals or ideals of our society. It provides a framework within which these forces, ideas and aspirations of society may operate. These elements are constantly changing as the total society changes, based upon both technological and cultural evolution. Such progress occurs because of new inputs as a result of new thinking or as a result of exchange with a more advanced culture. Law as a reflection of these changes is, thus, subject to change. "Law, then, is dynamic, in that it is susceptible to change in order to adapt to the changed conditions and beliefs of the community."¹ The dynamic aspects of law, then, are relevant to park and recreation administrators.

Rule of Conduct

Law is also looked at as a rule of conduct governing the relationships between men.² Contained within the law are elements of restraint; necessary if society is to function without a constant restructuring of basic relationships. Rules of conduct, and restraint, imply imposition on the

¹Henrik Zwarensteyn, Introduction to Law (East Lansing: Michigan State University Press, 1968), p. 3.

²Ibid, p. 1.

general citizenry by whichever group has power at the moment. Law, however, puts constraint on and provides rules of conduct for administrators and those who are granted the authority to invoke the process of law by providing for consistency, fairness and impartiality through the judiciary.

In addition, law has to have the elements of authority in order for it to be effective. Effectiveness of the law is based upon whether the public views the law as being legitimate. Without legitimacy, violations of rules of conduct will occur because society will view the laws as interfering with their rights.

Legitimacy

Legitimacy requires that approval be given to law. Such approval and legitimacy are based upon the respect society has in the law that governs them. Respect is gained if the society can see that the law is fair to them by imposing its effects on all citizens equally as well as those who have power to enforce the law. Fairness is also seen by the public to include elements of rationality. The legitimacy and resultant approval of the law, thus, must have the image of being fair and rational if it is to effectively govern the relationships between men.

Normative Structure

By providing a rule of conduct for society as a whole to follow, the society is able to function more efficiently. Law provides a written normative structure by which society can measure deviance. Too much deviance will entail an outcry from society to either correct the deviator or to change its normative structure: law. Law is thus not independent from society, it is an undertaking by which society expresses norms for effective operation.

Order

Effective operation is based upon the orderly ways the society functions. Law is viewed in terms of order. The traditional view is that law is the means or instrument of maintaining order by an enforcement power.¹ When law is viewed only in terms of order, however, society (and its enforcing agent), no longer conceives punishment as a last resort, but rather punishment is seen as perpetuating order. Order under law means more than maintenance, it can contain changing and vibrant elements. Law must have change imbedded into it if society is to grow. Order must therefore be concerned with regularized social activity but include freedom for change and growth within that order.

Freedom

Freedom for the total society requires restraint on those who deviate so that the society as a whole can operate. It also necessitates that the government and its enforcing agency be restrained so as not to interfere with free thinking of individuals. Freedom is necessary if new ideas are to be developed and to grow into normative ideals within the society. A balance must be maintained between the individual and society by allowing each freedom. Too much order stifles the freedom of the individual, whereas too little may allow an individual or minor group (such as an elite) to stifle the freedom of the total society.² Law and order are not, then, necessarily dichotomous. Law in a democracy must contain rules

¹Jerome H. Skolnick, Justice Without Trial: Law Enforcement in Democratic Society (New York: John Wiley & Sons, Inc., 1966), p. 20.

²Zwarensteyn, Introduction to Law, p.3

which constrain procedures used to achieve order, subordinating the ideal of conformity to the ideal of rule of law.¹ These rules must assure that fairness, regularity and freedom are balanced with order and that they are developed with consent of and accountability to the society. Rule of law assures that order will not become the primary purpose of law enforcement. However, order must be maintained while keeping within the rule of law.

Law Enforcement Purposes

The task of order under law is assigned to law enforcement officials. The task of law enforcement requires that its agents provide a variety of functions while operating within the rational restraints imposed by the rule of law. These functions entail an examination of law enforcement purposes, philosophy, challenges and the powers and training that law enforcement agents need to effectively perform their functions.

Regulation for Orderly Change

The basic purpose of law enforcement is to maintain orderly change through social control. Social control is maintained through regulation. Regulation of human behavior is seen as necessary because of the great variety and complexity of behavior possible; and to insure freedom of society is balanced with individual freedom. Without regulation there would be no operational normative structure, resulting in disorganization, disunity and jeopardization of personal safety.

Orderly change through regulations of conduct depends upon the community within which law enforcement operates. Some societies enforce

¹Skolnick, Justice Without Trial, p. 9

regimented adherence to normative behavior (eg.; German Nazi society with its inherent beliefs about the inferiority of Jews). Other societies appear to be more yielding (the area surrounding the University of Paris is noted for its emphasis on individuality).¹

Even within American society the values of the "hippies" seem to be different in many respects from those held by the more established elements of our society. Law enforcement must, therefore, take into account and be adaptable to the societal requirements and expectations when regulating conduct.

General Enforcement Powers

In order to regulate for social control the law enforcement officer must have certain powers. Power must be given to enforcement agents to have authority to enforce all the laws regulating the conduct of man individually and between individuals. Enabling legislation must give this authority to enforce to its agents and must include both state and local legislation. The legislation must, however, restrict the law enforcement to carrying out this enforcement within the rule of law and ensure that due process of law is contained within any laws enforced.

Regulatory Function

Law enforcement officers must also be empowered to perform regulatory functions such as licensing, traffic control and inspection if our society is to move efficiently and effectively. Regulatory function for social control and, thus, orderly change makes it imperative that the law enforcement agent be empowered to apprehend those who deviate from the order or who flaunt the social control needed.

¹Ibid, p. 10.

Apprehension Power

Enforcement authorities must have apprehension powers to effect an arrest. Enabling legislation must allow the officer to make arrests without a warrant for all crimes committed in their presence as well as for more serious crimes (such as felonies) upon probable cause. Such arrest power must be subordinate, however, to the serving of process (warrants) where judicial judgment is preferred to that of the officer. Arrest or apprehension of offenders through a warrant assures that the judiciary is satisfied that probable cause existed and that the officer is afforded protection in his actions.

Apprehension powers of the officer must be extended beyond the mere jurisdiction of the officer. Power to pursue an offender beyond the city limits, county line or park boundary must be given to the law enforcement officers. His authority must be allowed to be extended when in close pursuit of an offender. Without such power an offender could easily avoid apprehension by crossing the jurisdictional boundary whereupon the officer would have to stop pursuit and have a neighboring officer take up the pursuit (this would require teamwork between agencies far beyond that which is now feasible). The lack of such "hot pursuit" enabling legislation could seriously jeopardize the personal safety and property security of the general citizenry.

Personal Safety and Property Security

Law enforcement function emphasizes personal safety and property security as well as regulation for orderly change. Personal safety of the general citizenry needs to be protected if they are to live without the additional anxiety and tension that fear of crime can bring. Urban man is already overburdened with tensions, anxiety and fear or indifference

to his environment; additional fears on the possibility of crime occurring to him may prove to be socially isolating and further demean his personality.

Personal safety is paramount if man is not to be intimidated, resulting in a loss of his personal freedom and the freedom of society as a whole. Commensurate to his freedom is the right of the citizen to property security. Free society must guarantee the right to and security of property. Personal safety and property security are accomplished by law enforcement through the functions of patrol, detection and investigation.

Patrol

The patrol function of police is utilized primarily as a deterrent to crime. Criminals are less likely to commit an act against another individual or society if there is likelihood that they will be caught and sent through the criminal justice process. The patrol function lessens the opportunity for crime to occur without detection and provides for apprehension of the culprits by having officers visible as a preventative force. Legislation must provide law enforcement officers with the powers necessary to maintain visibility.

Coercive Force

A necessary power for the law enforcement agents is the right to employ coercive force necessary to effect an arrest or apprehend a criminal. Coercive force to stop a criminal act serves as a strong deterrent to criminals. Coercive control, however, must be restricted to when an offender acts aggressively, refuses to obey a request and after all efforts of persuasion have been exhausted.

Coercive force can cause hostility in the general public and its mere presence may create an atmosphere which stifles enjoyable activities or actions. Coercive force implies that an outside threat acts as the motivation for actions or activities. Such threats can be met with hostility, in which direct confrontation can occur. The threats may cause submissive behavior out of fear. Inner motivation, thus, becomes subservient to fear, resulting in loss of enjoyment.

Symbols.-- Coercive control visibility requires that symbols of that force be provided to the law enforcement officers. Power to carry weapons must be provided to law enforcement officers. Weapons are one strong symbol of coercive force. Another symbol is the uniform. It makes the officers easily identifiable. This makes them unique from the rest of the community and increases their visibility.

Enlistment of Citizen Support.-- Power is also needed to enlist citizen support if safety of citizens and property security are to be maintained. Power must be given to law enforcement agents to enlist help from citizens in quelling disorder or at least not to interfere with control operations (this is similar to the old West tradition of deputizing all male citizens). Through such enlistment the detection of criminals was made easier.

Detection of criminals is the other function of patrol. Increased manpower in an area is one method of deterring crime, but it also increases the probability that an offender will be caught in the act of committing a crime. Detection is possible through patrol because the availability of an officer is more imminent.

Investigation

Closely paralleling this patrol function is the law enforcement investigatory function. Investigation requires that the same basic powers needed in detection be provided to the law enforcement officer.

Enabling legislation must allow law enforcement officials the right to search individuals and places incident to a lawful arrest. Many times the chattels taken by a person arrested provide the necessary connection for conviction. If an officer were unable to search the offender, the offender might have time to discard the evidence.

Officers must have power to serve search warrants. Often such a search and resultant discovery of property or contraband lead to the arrest of an offender. Such searches and resultant seizures provide property security in that often times stolen property is returned to the victim, and if the offender is convicted, there is the likelihood that he will be either taken off the streets or rehabilitated, thus, lessening the chance that he will commit another crime.

Intergovernment Cooperation

Power to enter into intergovernmental compacts for control or detection of crime is also important legislation needed by law enforcement officers for performance of the detection function. Mutual assistance compacts with other law enforcement agencies can provide the boost needed to the limited manpower available to law enforcement in quelling mass disturbances. Such intergovernmental compacts are important in detecting major crime organizations. Many times a gambling operation or narcotic ring may cover several counties or cities. In order to effectively raid such an operation it may be necessary that several agencies cooperate to

effectively make arrests at the same time so that warning cannot be given from some portion of the vice organization.

Intergovernmental compacts also allow a method for competing against an offender's mobile nature as well as population mobility as a whole. It also gives impetus to an officer's authority when working in another agency's jurisdiction at the request of the latter. This has important consequences in that the philosophy of law enforcement is impregnated with authority and its relation to respect.

Law Enforcement Philosophy

Authority Commands Respect

Traditionally, law enforcement officers have felt that the very nature of their profession should command respect for their authority. The ordering nature and the social control function are equated with maintaining respect. The methods of achieving order were traditionally based upon authority. Law enforcement officials felt, as some do today, that order can be maintained by obedience to commands and that failure to obey should result in punishment. The coercive force of the officer is looked upon as a means for commanding obedience and as result of the show or symbols of authority, respect should be given.

Expectations and Threats to Authority

A prime example of such a situation which reinforces this, (authority commanding respect) is when the black ghetto male walking out of his environment (in a white middle or upper class neighborhood) immediately submits "spread eagled" on a wall or car at the approach of officers. In some areas the officers expect such actions. Whenever the citizen did not obey the command of his authority or whenever the individual did not react

as expected, the old line traditional officer saw this as a threat to his authority and thus a loss of respect. This is perceived by the officers as a threat to the authority of their profession. Some social conditions adding to the erosion of popular respect for agents of the law are:¹

1. Population mobility - citizens freedom in entering and leaving differing jurisdictions of law enforcement makes it difficult for law enforcement agencies to keep track of those who break the law and to effectively regulate undersirable activites, necessary for maintaining order.
2. Double standards - the prostitute may be convicted but the citizen buying her services is not charged, elimination of a demand for the service would result in a reduction of the supply.
3. Syndicated crime - because local and state governments cannot cope with the scope of this problem the national government must provide the enforcement, which may result in loss of autonomy for localized enforcement and establishment of centralization of law enforcement.
4. Paranoid tendency of police and public - may lead to police abuses and public witch hunts, which result in destruction of community stability and separation of police and public.
5. The hip scene - negative force in that there is a known drug culture existing within it and disenchantment with values regarding affluence, but can contain positive trend in that the values may be more humanistic with more personal integrity--the problem is to effectively channel and actualize the hippie for positive productive and useful living.
6. Statistic abuse - can be used to inflate or deflate a problem, it is necessary to look beyond bare statistics and analyze what they say to get a proper perspective--statistics (particularly in relation to crime) can influence emotion and apprehension which can displace rational analysis.
7. Disrespect for authority - perhaps it is the most negative trend in all; it includes those who obey only when forced, cooperate only in self-interest and flaunt ordered liberty--few restraints are accepted by these persons by either duty or responsibility.

¹A.C. Germann, Frank D. Day, and Robert Gallati, Introduction to Law Enforcement and Criminal Justice (Springfield, Illinois: Charles C. Thomas, Publisher, 1968), pp. 247-54.

Such negative trends and the police view of these trends as threats have produced additional expectations regarding suspicion of individuals and their actions. An individuals actions (such as his walk), attire or language may be perceived by law enforcement officers as dangerous or potentially violent. Such expectations are based both upon the perceived threat to his authority and the training which exemplifies such perceptions as indications of trouble. Such expectations traditionally have produced justification, even morally, for an officer's actions which may go beyond legality.

An illustration of this is when an officer observes a person exchanging money for a package in a "suspicious" alleyway. Subsequently he stops the individual and searches the package resulting in a find of narcotics. Even though the "stop and frisk" may be illegal the officer justifies it based upon the expectation that narcotics were being bought. He, thus, alleges that he has a moral obligation to stop dangerous addicts. Furthermore if narcotics were not found he maintains that the innocent citizen suffered no adverse effects (other than time lost) thus, have no cause to complain.

Organization Structure and Social Isolation

Such expectations and perceptions are based upon training which is gained through the departmental organization socialization process. The threats to his authority and loss of respect are also perceived as a threat to the total organization in which he gains his authority and reinforcement.

The organization of the traditional law enforcement agency is based upon a para-military structure where there is an explicit chain of command with a strong sense of obedience. Normally there is a functional

breakdown which divides the department into line and staff, paralleling the commissioned vs. non-commissioned officer breakdown of the military. It is basically a role breakdown where the staff is traditionally given the authority of command over the line and authority to set policy. There is traditionally a divisional separation in regard to time (shifts) and territory (districts). Such a para-military structure has had profound effect on the actual operation and the perceptions that officers gain as a result. The internal structure based upon military regulations suggests external cognitions based on similar martial principles.¹

It is therefore feasible that such a structure creates a strong sense of social conformity among the law enforcement officers and leads to routine and rigid conceptions of control. Within such a structure the line officer's individual discretion is maintained in order that latitude is available for performance of his duty. Such discretion can lead to arbitrary decisions regarding authority control which are not within the rule of law (eg.; stop and frisk) and lacking in accountability. Such structure can emphasize rigid social control while lacking accountability to the rule of law.

The para-military structure also de-emphasizes lateral entry into the department by requiring that personnel enter the structure at the patrolman level. This appears to indoctrinate or socialize the new personnel to rigid conformity if he is to get reinforcement (none is usually given by the community), thus, producing regimented actions and

¹Skolnick, Justice Without Trial, p. 11

social isolation. Further isolation is created because of the negative connotations of danger and authority of his role, which in turn creates perceptions of mistrust and expectations because of that isolation.

The isolation of the law enforcement officer creates a role where he receives justification for his actions, authority and respect from socialization of his peers. Coercive force often goes beyond the strict apprehension function. Because he sees the same offenders repeatedly, due to either his own actions (going beyond legality in arrest or search allowed by law) or due to the over utilized and crowded conditions of our corrections system, the officer may visualize his role as punishing the individual for society. This can be seen as a method of gaining respect from his fellow officers and if not the community.

Respect derived from authority seems now to be the old or more traditional philosophy of law enforcement. New horizons are being realized in the philosophy, however.

New Philosophical Horizons

Authority From Respect

With the advent of professionalism in law enforcement has come a new philosophy which is creating a new outlook. Respect is now seen as the basis for authority. Respect is developed as a result of the image the public has of law enforcement. A good image is developed when the public can view law enforcement with trust that its officers are doing their job; are fair and rational in enforcing the law; and are accountable to them as citizens. Citizen respect is also gained when the public feels that they have control over misaction by officers.

Accountability

Accountability to the public must be maintained. The major force creating accountability is the restrictions placed upon law enforcement. Arbitrariness in discretion and the way the public is treated can result in loss of respect for law enforcement.

Arbitrary decisions and misaction by police could be controlled through the establishment of public review boards. Such boards could provide direct accountability to the public. Accountability could also be increased by restricting the organizational structure so that direct supervision of line officers can be accomplished.

Accountability to the public could also be accomplished by legislation providing for criminal sanctions on officers who intentionally violate a citizen's civil rights. Such sanctions would ensure the public that the officer would be treated harshly (even beyond the civil law redress that could be invoked). Accountability to the public is only part of the image that the public must have for trust.

Trust is also gained by the law enforcement agencies being accountable to the rule of law. Respect is built upon whether the police are acting within the legality of law. Restrictions must be placed on actions and coercive control. To ensure that coercive control is not placed in the wrong hands or that actions are commensurate with building respect in the public eye, it is necessary to regulate who is allowed the power of law enforcement. Licensing or deputizing personnel could be one method of assuring that personnel would have minimum qualifications, if a minimum qualification standard were set for licensing. Such minimum standards should require a specific number of hours of training as well as a specification of the educational or training requirements.

Educated Personnel

Training should require that at least two hundred forty hours of training be given to officers or the equivalent of one year of additional education beyond high school.

Sociology.-- The law enforcement profession requires that training or education be centered in the social sciences and communication arts. Interaction on a daily basis with people and problems requires that personnel have training in sociology. Education should specifically be concerned with human relations, sociology of minorities and public opinion. Such training is needed because of the various minority groups with which the law enforcement officer must interact and because public opinion is responsible for the image and resultant isolation that the police feel.

Psychology.-- Law enforcement deals with people who are deviant from the norms of society. To control and prevent these deviations it is imperative that the law enforcement officer gain knowledge of how they think in order to gain perception of "why" they deviate. The psychological personality of the offender is important for investigation. Education is therefore necessary in abnormal and criminal psychology.

Government.-- Law enforcement is part of the executive branch of government, it is necessary for personnel to understand the effects it has on other branches of government as well as how it is affected by municipal government in its policies and procedures. Therefore it is important that the police have education in urban and state government.

Law.-- Law enforcement must enforce law. In order to understand the legal basis and reason for proper enforcement of the law it is necessary that personnel have training in criminal law and evidence law. Law enforcement requires that its personnel have close contact with the public

and that they be able to disseminate information and effectively communicate their investigations by written and verbal methods. Instead of coercive force in communicating authority it is now necessary that law enforcement personnel try to persuade the public or offender in order to build a better image with the public.

Communication.--Persuasion is more time consuming and is less determinable than the effects of coercive force, however, it could be effective in the long term. Education is therefore necessary in report writing, public speaking and persuasion.

Criminal Justice System.--Law enforcement must have specialized training in professional skills of their responsibility. Education as to the philosophy, goals, duties and responsibilities is important if they are to understand their position in the criminal justice system. Law enforcement must also have techniques of building better images with the public if they are to get support from the community.

A qualified officer should have education in criminal justice system philosophies; techniques of criminal investigation; elements of arrest, search, seizure and confession admissibility; police-community relations and policy formulation. In addition, the law enforcement officer should receive a myraid of training in driver safety, pursuit driving, weapon handling, marksmanship, operation of equipment and first aid. Such skills are necessary if the officer is to provide both social control and service to the community.

New Functions

Traditional purpose of law enforcement has been social control for orderly change and the deterrence or apprehension of criminal behavior.

Law enforcement is now beginning to realize and must continue to perform additional functions. Service to the community is a very important function for law enforcement to perform. Service in such areas as calls for help, information dissemination and education of the public in safety and prevention of crime are important elements of the service function.

Law enforcement is one of the few public agencies available on a twenty-four hour basis. They are in a prime position because of their visibility, to perform services; but they are also available, due to close contact with the citizenry, to act as a sounding board for the community wants and needs. Law enforcement should, therefore, be consulted in determining additional public services that are needed or ways that traditional services (eg.; recreation, social welfare, mental health and crisis intervention) could be improved.

The service function, combined with educated, well qualified personnel, could be instrumental in building public respect, which the profession needs. The law enforcement profession needs legislative powers to perform their traditional functions of enforcement of laws, patrol and investigation. Such functions have required powers to: enforce law, form intergovernmental compacts, pursue offenders, apprehend offenders, search and seize, enlist citizen support, employ coercive force, serve process, and regulate movement.

Power For Formulation of Policy

In order to perform functions of service and consultation to other agencies, law enforcement must be given the power to establish personnel qualification standards for the departments. In addition they must be

given the power to formulate policy in outlining the services they will provide. Policy should be required by legislation relating to:

1. Public safety and property security standards - This would assure the law enforcement officer that he was enforcing the laws in line with policy. This would help eliminate arbitrary discretion of an officer.
2. Service functions to be performed - Services of the law enforcement would be defined so the public knows what services to expect. This would also help relations with the community.
3. Additional training - Policy should be required establishing in-service training in order that officers are kept abreast of new methods, new court decisions and offer a method and audience to give awards, thus, boosting morale.
4. Suggestion and grievance procedures - Policy must establish a procedure for submitting suggestions and communicating and redressing grievances. Higher echelon officers must be made aware of complaints of their line officers as well as any suggestions they may have. This could be effective for raising the morale of officers.
5. Promotional practices - Such a policy should emphasize lateral entry for qualified personnel as well as seniority for pay raises. The lateral entry would help discourage the socialization of new officers and allow exchange of qualified personnel between agencies.

Legislative Restrictions

In addition to such new powers, restrictions such as limiting coercive force, arbitrariness and misuse of authority, could be provided through legislation. Such restrictions would improve law enforcement's image as well as provide accountability to the public and rule of law. Law enforcement must operate within a legal framework. Law and enforcement are not the panacea for the ills which plague our society but they can provide a framework in which change is orderly. The philosophy and functions of law enforcement can be adapted to most changes in our society but there are special cases where adaptation requires new or improved purposes and functions as well as specialized education and training.

Narcotics enforcement may trade off the functions of control and apprehension of an addict for information on a dope peddler. Public pressure may force law enforcement to provide tax control over certain vices (eg.; gambling or prostitution). Special cases may occur where traditional law enforcement does not apply to a different type of milieu or environment. Such areas as private security systems of industry, marine safety and the recreation setting are illustrations where traditional philosophies, functions and methods may have to be redeveloped. In order to understand the specialized nature of law enforcement in such an environment as the park and recreation field, it is necessary to gain a knowledge of such an environment.

CHAPTER III

LAW ENFORCEMENT IN THE RECREATION SITUATION

The Nature of Recreation

The objective of recreation is primarily fun or pleasure. Such fun can be justification for an individual to engage in an activity, however, fun or pleasure is not justification for public financial support of an activity. Public supported recreation requires that it meet certain political realities. Recreation must be rationalized by and perform the functions of character building, socialization of the individual, outlet of potentialities and community social development. Such functions allow the community and particularly its political leaders to justify expenditure of manpower and money for recreation. Such rationalizations, thus, form the basis for public support, whether right or wrong.

Philosophical Conceptions

Inherent in any study regarding the nature of recreation is the development of a definition. Some view recreation as a leisure time activity which is performed for the enjoyment and satisfaction which it brings to the individual and which he undertakes because of choice. Others view it as just activities and forms of human relationships objectively performed. Still, others see it as activity voluntarily engaged in during leisure and primarily motivated by the satisfaction

derived from it.¹ The definition of recreation can be extended beyond the limitations of leisure time, for man can gain pleasure from his work (subsistence function) or out of existence such as eating. Recreation therefore is any activity voluntarily engaged in for pleasure.

Such pleasurable activity denotes fun. Such fun may be constructive or destructive to the individual or society. Destructively, it may be deviant to society's norms and therefore lack the control of those norms. This necessitates that laws be formulated and enforced so that behavior can be controlled within limits in order that the freedom of the total society to pursue pleasure is not inhibited by an individual's pursuit of pleasure. Law enforcement can provide this balance by providing control over the individual in the recreation setting, however, the control must allow release of the inner desires and needs for pleasurable experience.

Such control for normative behavior is seen as necessary for public supported recreation. Public supported recreation is distinct from recreation in general. For purposes of this study the distinction is important because this study focuses upon recreation within the public domain with particular emphasis on the enforcement of law within the public recreation setting. Public supported recreation should be viewed as any activity, passive or aggressive, which is pleasurable to the respondent; which offers man an outlet for his creative, physical or mental potentiality; engaged in because of his inner desire rather than

¹Harold D. Meyer, Charles Brightbill, and H. Douglas Sessoms, Community Recreation: A Guide to Its Organization (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1969), p. 31.

compelling outer force, but remains acceptable to the society in which he lives.

This definition includes the elements viewed as essential to the nature of passive or aggressive recreation. Activity performed for its pleasure, outlet for mans potentiality and freedom of choice, however, public supported recreation also includes the element of compliance to normative behavior expected by society.

Characteristics of Recreation

Recreation, public supported or not, contains characteristics which are relevant as an activity performed for its own sake. Inherent in human nature, self perpetuation of the human mechanism is viewed as being fulfilled through recreation. Recreation must consist of activity, be it physical, mental or emotional. It is activity which is purposeful and serious to the individual involved and allows him both satisfaction and pleasure from the sheer doing of the activity.

The physical, mental and creative potentials in man can have an outlet through recreation. Recreation has a direct influence on those factors which create personality; and such potentialities within man are an integral part of the personality. Recreation brings out the creativeness of man by offering opportunities which can be stifled by modern culture's emphasis on conformity and regimentation in work, communication and education. Self-fulfillment and liberation of the human spirit gain an outlet in recreation while formulating a foundation for recreation objectives.

Uniqueness of Freedom

Perhaps one of the most inherent elements separating recreation from other human activity is freedom of choice.

The greatest contribution which recreation makes to development is the chance it provides for a person to be completely free . . . recreation is¹ a strong pillar in the full exercise of freedom.

Freedom of choice implies flexibility. It can be organized or unorganized, isolated or in groups and private or public. Voluntary entrance is required if recreation is to be sought for its pleasure. Compulsory participation or imposition into recreation stifles the satisfaction, self-expression and reactivity inherent in freedom of choice. Freedom within the recreation environment can be compatible with the enforcement of order. The recreation situation is a place of greater latitude for disorder than the rest of the public domain. Pleasure and outlet of expression are major elements allowing such a latitude. A proper balance must be developed providing minimum order necessary for freedom of all recreators but allowing freedom of choice of the individual.

The fourth element is unique to public supported recreation. Recreation can be labeled bad or good. It falls within the public spectrum based upon the normative values placed upon the recreation by society. Public recreation, thus, must be socially acceptable by society. Opportunity for recreation within the norms of society assures that the freedom of the total society to recreate will not be sacrificed at the expense of an individual. Public support for recreation requires that

¹Ibid, p. 40.

objectives be formulated.

Objectives of Public Recreation

Major objectives to be considered for public support in recreation are threefold: (1) socialization of individuals and groups, (2) individual growth and self actualization, (3) self expression and pleasure or fun. These major objectives are necessary if the political realities of public support are to be realized. The public normally will not financially support a service such as recreation without justification or rationalization. Formulated objectives provide motivation for such rationalization.

Socialization

One of the major objectives of public supported recreation is the socialization of the individual and groups within society. Socialization of the individual is accomplished through recreation by offering the individual group involvement and comradeship. Public support for recreation requires that those who control through enforcement understand the interactions and the types of people involved in the recreation setting. Therefore, it is important that the control be available but those who provide that control must have adequate training in sociology to understand the interactions that take place. Besides the specific sociology training needed by law enforcement officers in general, those enforcing the law within the recreation setting should have a thorough understanding through education in the sociology of recreation.

Socialization of the individual is a major objective. Through this objective, social function develops. The social function of recreation develops as a result of getting together and having a pleasurable experience with others in the recreation setting.

An illustration of this function is the social relationship and "good feelings" which develop in block parties and campgrounds. Preservation of old relationships and the development of new relationships develop within public supported recreation. When such gatherings occur in the public spectrum, it is necessary that order be maintained, however, control by a law enforcing agency must allow freedom of movement of individuals in order for these relationships to develop.

Law enforcement within the recreational setting should have restrictions placed upon overexertion of its coercive force and symbols of authority so as not to inhibit the extroversion necessary to development of social relationships. Legislation could provide such restrictions by requiring that coercive force be used only as a last resort in the recreation setting and that para-military uniforms (and their authoritarian connotation) not be allowed to be worn within the recreational or park setting.

Weapons should remain concealed and should not be utilized except in cases of imminent danger to life or limb or when all other methods have failed to subdue a fleeing felon. Para-military uniforms could be replaced with more conventional ranger type uniforms with the "Smokey bear" type of image or with blazer and slack style uniforms so that visibility remains.

Individual Growth and Self Actualization

Individual growth is another major objective of public supported recreation. Human betterment is accomplished by allowing man the opportunity for self enrichment or realization.¹

¹Norman P. Miller and Duane M. Robinson, The Leisure Age - Its Challenge to Recreation (Belmont, California: Wadsworth Publishing Company, Inc., 1967), p. 175.

Recreation allows man to develop his emotional, mental and physical health by allowing opportunity for expressions of these traits through active participation or creativity.

Self Expression and Pleasure

Individual growth within recreation also develops individuality and self actualization by giving the individual the opportunity, be it time or instruction, for expression of himself or pleasurable experience. The uniqueness of this self expression within a recreation setting, holds important connotations for those who must enforce rules of conduct in such areas. Law enforcement officers must be much more tolerant of behavior in such a "fun" oriented environment and must be willing to utilize persuasion rather than force in dealing with the public

Law Enforcement in the Recreation Environment

Violations occur when park rules interfere with what recreationists regard as their constitutional right to have an enjoyable time.¹

Education

Law enforcement officers could help the recreationist toward self actualization by being informative. In a natural setting or park he could provide information by interpreting the natural environment. In an urbanized recreational setting he could provide information on program availability, how to protect property and the exercise of personal safety. Training would, thus, be required in such areas as leadership in recreation,

¹Campbell, "Law and Order in Public Parks", p. 51.

environmental interpretation and the basic communication arts such as persuasion, report writing and public speaking.

By acting as such an information source and communicating with the public, the park and recreation law enforcement officer could contribute to recreation education, awareness for individual growth and development of respect for authority.

Recreation makes one aware of his own potentialities; physically and emotionally. It helps him see where he is lacking and helps him to develop recreational skills for self-development or for interaction with a group. Self actualization, the fulfillment of a broad range of individual interests in recreation, is a prime force in human value.¹ Personality is dependent upon human value, therefore, recreation can act as a major force in enrichment of the personality. The personality of the individual can become stagnant when he has no time available to do other things besides those necessary for subsistence or existence. Such leisure time is becoming more available and can be used constructively, destructively or become stagnated. Recreation allows the individual to satisfy his leisure time. It is also important for park and recreation law enforcement to realize this value of recreation because too often they are called in when man's recreation deviates and becomes destructive to the recreational experience of others.

In order to perceive when an individual is interfering with public supported recreation for his own enjoyment, law enforcement officers in the park or recreation setting should be educated as to the goals, principles and functions of public supported recreation. Education in

¹Miller, Leisure Age, p. 179

such elementary principles will help him balance individual choice and enjoyment with maintenance of order. Order allows freedom of choice by letting the total society have a variety of choices rather than submitting the total to an individual desire.

Balancing Order With Freedom

Order is essential to community wholesomeness and togetherness. The norms of society bind the community together and create the order necessary for efficient operation. In the public spectrum of the recreational setting boundaries are put on what is considered socially acceptable recreation. Law, rules of conduct and regulation are reflected in these norms and are in turn reinforced by them. Enforcement of these laws and rules of conduct in the recreation environment requires that an officer be stringently trained in the specialization of recreation. Restrictions must be placed by the legislature to prevent law enforcement from exercising too much control in regulating the conduct of recreationists.

This could be accomplished by requiring that park and recreation law enforcement officers have specialized training in recreation and that only they be allowed to enforce the laws or rules regulating conduct within the recreation areas. In addition, restrictions must be placed on outside agencies from enforcement authority within the jurisdiction of the park or recreation area.

Accountability

Public supported recreation objective of pleasure within the recreation experience requires restrictions beyond keeping out unqualified and uneducated personnel as described above. Arbitrariness on the part

of law enforcement must be controlled. Accountability to the public must be maintained. Such accountability can be accomplished by having public review boards to look into misconduct as well as requiring the officer to keep a daily log of his actions, which would be kept in the filing system of and reviewed by the park and recreation administration. Such accountability is important to public support of both recreation law enforcement and recreation in general.

Summary

Recreation receives support when the public views it as being a legitimate function of government. Because recreation is seen as contributing to individual growth and community cooperation, it functions within the general welfare function of our government. General welfare is seen as a legitimate function of government, thus recreation has continually been viewed as a legitimate function. As an increasing broad range of needs and demands are placed on recreation programs and areas, legislative reactions are developed to meet these demands. Laws, rules of conduct and regulations are developed for orderly change in the demands and for governing behavior. The public determines norms for acceptable behavior in recreation. Control is needed to ensure that the order (for freedom of the total society to recreate) is maintained and that rules of conduct are followed. This task necessarily falls upon law enforcement, however, it is necessary that law enforcement within parks and recreation have specialized education and powers. In addition the restrictions required on their actions should be more stringent.

Recreation Law Enforcement Special RequirementsIntroduction

The training and attitudinal development of personnel enforcing laws within recreation areas should be more directed toward the recreation principles than those of traditional law enforcement. Thus, they should be better equipped mentally and educationally. Traditional law enforcement practices could prove to be too restrictive, interfering with the enjoyment that recreation entails.

By restricting other agencies, except when in hot pursuit or when called in as part of intergovernmental compact, there is less chance that the recreator will be intimidated by a show of authority; and more of a chance that he will feel free to express his physical, emotional and creative outlets.

Restrictions on unqualified personnel enforcing laws within the recreation spectrum could be accomplished by requiring state licensing of park and recreation law enforcement officers after they complete a standard of training and education. Licensing would require the establishment of a licensing board of park and recreation administrators and law enforcement authorities from the state to set minimum qualification standards. This would remove the necessity of having enforcement personnel deputized under the sheriff or state police. Such legislation would give the park and recreation law enforcement accountability to the licensing board rather than to a traditional law enforcement agency.

Each member of a park and recreation department needs some training and basic law enforcement powers for park or recreation area rules. Interpreters, naturalists and rangers come in contact with violators of rules of conduct or the order expected. In many instances, such as in

the case where a person is littering, they could handle this situation by writing ticket summons or warning the offender. Recent trends indicate that more serious behavior deviancy and serious criminal conduct is occurring within park and recreation areas. Increasing problems of personal safety and property security have been developing within these areas. To meet this need a specialized law enforcement division should be developed to control and reduce these problems.

Such a specialized unit would serve as an investigatory agency (for crimes such as thefts, vandalism, etc.) and a main security force for park and recreation areas. They would be responsible for specialized law enforcement problems (narcotics enforcement) and act as a referral source for other personnel. The specialized park and recreation law enforcement force would require powers, restrictions on their actions and education commensurate with the specialized area in which they operate.

Ideal Powers

Ideally park and recreation law enforcement would have the powers of any other law enforcement officer. At a minimum they need the powers enumerated previously. They should have the power or authority to:

1. Enforce all the laws of the state.
2. Arrest or apprehend offenders.
3. Search and seizure.
4. Serve process.
5. Pursuit power.
6. Carry weapons.
7. Form intergovernmental compacts for exchange of help in quelling mass disturbances and for specialized enforcement problems.

Ideal legislation would enable park and recreation law enforcement to have the same powers, privileges and immunities of any other law enforcement officer of the cities, counties or state.

Legislative Restrictions

Restrictions on law enforcement in parks and recreation must be established if law enforcement is not to overshadow the functions and elements necessary to public supported recreation. Legislative restrictions should allow individual growth and pleasure within normative standards. Ideal restrictions that would be placed on park and recreation law enforcement are:

1. Emphasis on coercive force - coercive force should only be used as a last resort after all efforts at persuasion have been exhausted.
2. Organization on the para-military structure - park and recreation needs a more flexible structure allowing lateral entry of personnel.
3. Arbitrariness in decisions - accountability to the public and the rule of law must be maintained through public review boards and criminal sanctions for intentional interference of citizen civil rights.
4. Symbols of authority - uniforms must be changed and weapons concealed so that park and recreation law enforcement does not have an authoritarian image.
5. Overuse of regulatory function - inputs into design of areas for regulation would be more beneficial to maintaining control or regulation than writing tickets or forcing the recreator to curtail his misaction. Persuasion rather than authority should be required. Policy on such matter could be required by legislation.
6. Licensing of personnel - this would ensure that only personnel meeting minimum standards in education and training would be hired for park and recreation law enforcement.
7. Elimination of traditional law enforcement agency authority from the jurisdiction of park or recreation area - this would ensure that all personnel enforcing laws within the recreation area would not stifle or at least be trained to not stifle the pleasure and freedom of choice inherent in the recreation environment.

Ideal Education and Training

The necessity for training and education of park and recreation law enforcement personnel requires additional types of education beyond that required for traditional law enforcement.

Ideally the training and education should entail a minimum of two years of college or its equivalent. Park and recreation law enforcement should include the following training and educational requirements:

- I. Sociology - Emphasis on sociology of:
 - A. Recreation
 - B. Minority people
 - C. Human relations
 - D. Public opinion
- II. Psychology - Knowledge as to the psychological make-up of an offender would entail education in:
 - A. Abnormal psychology
 - B. Criminal psychology
- III. Government - Education is required as to the interworkings of government and its effects on law enforcement, therefore education could offer insight as to:
 - A. Urban area government
 - B. State government
- IV. Law - Park and recreation is concerned with both criminal law and the legal basis for their specialized environment. Comprehension of the laws relating to conduct and to the recreation environment can be gained through:
 - A. Criminal law
 - B. Recreation law
- V. Communication arts - Integral to performance of duty and the building of a good image are the communication arts of:
 - A. Persuasion
 - B. Report writing
 - C. Public speaking
- VI. Driver safety, first aid, operation of equipment and education-Important to the service function which law enforcement is now involved.

VII. Recreation - Important for park and recreation law enforcement officers education if they are to balance control with the principles of recreation. Specific education is required regarding:

- A. State and urban recreation development
- B. Leadership techniques in recreation
- C. Economics of recreation - helps gain an understanding of the size, scope and demands placed on recreation.
- D. Recreation philosophy
- E. Environmental interpretation - for information dissemination.

VIII. Law Enforcement - Enforcement of the law and building a good image with the public requires education in:

- A. Criminal justice system philosophy and goals
- B. Criminal investigation techniques
- C. Elements of arrest, search, seizure and admissibility of confessions.
- D. Police-community relations
- E. Law enforcement policy

IX. Social Science research - Park and recreation law enforcement must be able to identify where manpower is needed, types of crimes occurring, frequency of occurrence, new methods of control and evaluation of effectiveness. Research in these areas requires that education be completed in:

- A. Social science research
- B. Statistical analysis

Legislative Policy

Closely allied to training and education is the importance that park and recreation standardize certain policies for their law enforcement. Legislation would ideally provide park and recreation law enforcement policy related to:

1. Standardization of public safety and property security - The public should have the right to know and expect standardized enforcement. The enforcement policy regarding tolerance of behavior must be specified so that the officers are not arbitrary and the public knows when they are stepping beyond normative behavior.

2. Outlining service functions - When policy is formulated regarding the services that will be provided, the public will know what to expect. Expectations lead to predictability, one of the major elements needed for trust. Development of trust should lead to greater respect for law enforcement.
3. Additional training - A policy concerning in-service training should be developed so that new methods of enforcement or court cases affecting law enforcement could be conveyed to personnel.
4. Suggestion and grievance procedures - Law enforcement departments must establish procedures to communicate suggestions and grievances to staff personnel. The close contact of officers to the recreationists give them an opportunity to communicate their needs to the staff. A standardized grievance procedure will help improve morale of the officer because of assurance that their grievances will be heard.
5. Hiring and promotion practices - Legislative policy should insure that lateral entry within agencies is possible and that seniority will be considered in monetary raises. Such a policy would increase the morale of park and recreation law enforcement personnel by assuring that seniority would be considered. It would also be instrumental in reducing socialization and isolation of the officer by allowing lateral entry.

Such ideal legislative policy formulation would ensure that there would be standardization of policy from one recreation area to another. The public can then be assured of trained and competent personnel to serve and protect them as they recreate in the various areas. Park and recreation law enforcement personnel can be assured that the staff will be responsive to their needs, thus, raising their satisfaction and improving their attitudes. Such improvement in attitudes will be reflected in improved relations with the public, who in turn will gain further respect for the authority of the law enforcement within recreation areas.

Summary

Recreation law enforcement can increase the pleasure of the recreation experience by allowing freedom of expression for the total society through controlling the actions which would infringe upon orderly change. Powers, training and restrictions are necessary for the specialized nature

of park and recreation law enforcement. Legislation is, therefore, necessary for these powers, education and restrictions if they are to be legitimately sanctioned as a governmental function. It is necessary that the Michigan legislation be examined to determine whether it meets the needs of park and recreation law enforcement.

CHAPTER IV

STATE OF MICHIGAN LEGISLATION

Compilation of Legislation

Introduction

The focus of this part of the study will be the compilation of Michigan legislation that relates directly to both local and state park and recreation law enforcement. Legislation is the preparation and enactment of laws or formulation of rules for the future.¹ The laws included will be those concerned with the powers given to park and recreation law enforcement, restrictions on that power, statutory acts relating to park and recreation law enforcement duties and responsibilities and the training and educational qualifications for law enforcement.

Legislation relating to law enforcement in general will only be considered as it acts to qualify the powers, duties, responsibilities and qualifications of park and recreation law enforcement. Focusing specifically on park and recreation law enforcement will necessitate inspection of the general enabling legislation which allows control and enforcement of legislation pertaining to local parks and recreation.

Understanding of the nature of park and recreation law enforcement demands that one examine the total legislation environment within which

¹Black, Law Dictionary 1045 (4th edition, 1957).

it must operate. The legislation gives authority for establishment of control and regulation, financial support, regulation and assistance in relation to local parks and recreation. Park and recreation law enforcement operates within and is dependent upon this total legislative environment for a framework within which to enforce laws and obtain authority. A compilation of the Michigan laws relating to local parks and recreation is provided in the appendix of this study.

Methods

Data for the study were primarily available in law publications. Based upon background, documentary and human sources, it was decided to utilize the following publications:

1. Michigan Statutes, Annotated, 1967 edition with supplements.
2. Compiled Laws of the State of Michigan, 1948 edition.
3. Michigan Compiled Laws Annotated, 1968 edition with supplements.
4. Black's Law Dictionary, (4th ed., 1957).
5. Public and Local Acts of Michigan, 1965-1970 edition.
6. West's Michigan Legislative Service, supplementing M.C.L.A. through April 27, 1972.
7. Summary of Laws Relating to Local Parks and Recreation--State of Michigan, 1965, Extension Bulletin 515.

All the abovementioned sources were utilized for collection of data. The Summary of Laws Relating to Local Parks and Recreation was primarily used for the compilation of the data before 1966.¹ Cross checks with the

¹[Louis F. Twardzik and Laurence A. Schenk] Summary of Laws Relating to Local Parks and Recreation State of Michigan 1965, Extension Bulletin 515 (East Lansing, Michigan: Michigan State University Cooperative Extension Service, 1965).

other documentary sources indicated that it was complete except for two Acts. This Summary was utilized for comparison and its revision is contained in the appendix of this study.

All legislation passed since 1965 was derived from the other sources listed. Henceforth throughout the rest of the study the name of these sources shall be abbreviated with the acceptable abbreviation contained in parentheses for the respective documentary sources listed above, (eg., Compiled Laws Annotated - C.L.A.). Black's Law Dictionary was used extensively by this investigator for definitions to legal terms not understood. All sources utilized and listed are cited completely in the bibliography of this study.

Collection of Data

Collection of data required the establishment of terms or categories which related to parks, law enforcement or recreation. Indices to the various legal references cited contained general headings classified as "Parks" and "Recreation", or "Parks and Recreation". Within each of these categorizations were subheadings referring the investigator to specific areas of "parks" or "recreation" (eg., M.C.L.A.--villages; sale of park property) which in the case of the index to Michigan Compiled Laws Annotated consisted of 270 subheadings referring to "Parks" and 49 referring to "Recreation". Each subheading in the Michigan Compiled Laws Annotated and in the Compiled Laws of the State of Michigan 1948, contained the appropriate citation for the chapter and section number of the specific Act. For each yearly volume of Public and Local Acts of the State of Michigan an index was contained, which listed words and phrases applicable to Acts passed for that year which the volume was

published. The yearly Public and Local Acts volumes were not consistent, however, in the words and phrases contained in their index from year to year. This legal reference was only utilized by this investigator for Acts passed from 1965 through 1970 because of the inconsistencies in the indices and because of the necessity to read the index of each yearly volume. No published volumes were available for 1971 and 1972.

The index to Michigan Statutes, Annotated also contained general titles referring to "Parks" and "Recreation" with subclassifications to each general title. Each subclassification contained an M.S.A. section number which referred the investigator to the appropriate volume containing that section number. In addition there was a 1972 Cumulative Supplement attached to the index and each volume updating the 1967 edition index and appropriate M.S.A. sections through Act 140, of the 1971 Regular Session of the Michigan Legislature. Michigan Statutes, Annotated was used by this investigator primarily for a cross reference to Michigan Compiled Laws Annotated and for the 1972 supplements updating the 1967 edition.

This investigator used Michigan Compiled Laws Annotated extensively for cross checking the compilation of legislation contained in the Summary of Laws Relating to Local Parks and Recreation for legislation enacted prior to 1966; for any amendments to that legislation cited; and for any new legislation enacted. Michigan Compiled Laws Annotated was, in the opinion of this investigator, the easiest to utilize in terms of the index. In addition, the publishing company provided cumulative supplements through the 1971 legislation. West's Michigan Legislative Service - 1972 supplemented Michigan Compiled Laws Annotated through the April 27, 1972, legislation (the last published legislation during the research period).

All the laws referred to under the general headings of "Parks" and "Recreation" were tabulated as to chapter and section number. These legislative acts, were then read for content. The legislation containing reference to local governmental parks and recreation, or referring to park and recreation law enforcement were then photostated or hand copied.

The indices also were researched under the general headings of "Police", "Constables", "Peace Officer" and "Sheriff" for citations regarding parks, recreation, conservation, powers, duties, responsibilities and training. These law enforcement general categories were utilized to determine if there were any law enforcement legislation relating to parks and recreation and for possible use as qualification to park and recreation law enforcement powers, duties and education. In total, 103 citations were referred to, tabulated, and respectively read for content under these categorizations. Subsequently, those that could be used for qualification of, or those which related directly to conservation or park and recreation officers: powers, duties, responsibilities and training or educational qualifications, were photostated or hand copied.

All photostated and hand copied legislation was reread in light of whether it reflected or qualified elements relating to power; duties and responsibilities; educational or training qualifications; authority of; and restrictions on powers of park and recreation law enforcement or its personnel. This resulted in a compilation of the legislation which reflects park and recreation law enforcement.

Presentation of Data

Park and recreation law enforcement, as reflected by Michigan legislation, performs its functions at a state level (through the Department of Natural Resources Law Enforcement Division) by giving

power and authority to its conservation officers and to park rangers, and at the local level through general enabling and special laws granting enforcement authority or powers to general law enforcement agencies or those boards or commissions who are given authority to acquire, develop, control and manage the parks or recreation systems.

Park and recreation enabling legislation in the state allows authority to promulgate rules and regulations for control and enforcement thereof at all phases of the local governmental level. The local level for government purposes is broken into villages, townships, charter townships, cities or municipalities, fourth class cities, home rule cities, counties, regions and metropolitan districts.

Village Enabling Legislation

Authority for law enforcement in parks and recreation at the village level is established through enabling legislation. Such enabling legislation is:

Act 3, Public Acts of 1895,

Section 6:

- a. The village council shall have authority to:
 - 1. Lay out and establish, or vacate and discontinue public grounds and parks within the village limits.
 - 2. Improve, light, and ornament same.
 - 3. Regulate the use of same.
 - 4. Protect the parks and their appurtenances from obstructions, encroachment, and injury from all nuisances.

Act 199, Public Acts of 1929, Chapter 123, Sections 123.41-123.46, authorizes villages to establish a board of directors appointed by the governing body of the village with authority to:

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: (emphasis added)
 - (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. (emphasis)
- b. Board of directors may exclude from use of the community building or grounds all persons who willfully violate the regulations.

Village Enforcement Power

The adoption of rules and regulations by a village council, or appointed board of directors, for control of a community recreation center or regulation of public grounds or parks requires that some person or agency have authority to enforce these regulations as well as any other regulations of the community. Originally this enforcement power was granted to the village president or an appointed town marshall.

Act 3, Public Acts of 1895, Chapter 64, empowered the village president to be the conservator of the peace:

Section 2: The (village) president shall be a conservator of the peace and may exercise within the village the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

In addition the marshall of the village was empowered to enforce ordinances and regulations of the village for the preservation of order and protection of citizens, which, therefore, included those adopted for regulation of parks and community recreation centers.

Act 3, Public Acts of 1895, Chapter 64 being 64.13,

Section 13: The marshall shall be the chief of the police of the village. As police officer he shall be subject to the direction of the president and council. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the village, are promptly enforced. As peace officer he shall, within said village, be vested with all powers conferred upon sheriffs for the preservation of quiet and good order. He shall have power to serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the village. Such process may be served anywhere within the county in which said village is located.

Appointment of the village marshall as chief of police required that authority be granted the villages to establish a police force. Furthermore it was necessary that a local governmental entity be enabled to make rules for governing such a police force while maintaining assurance that the enforcement agency would be assured of general powers that could not be usurped by the local governing body.

Act 3, Public Acts of 1895, Chapter 67, Sections 67.44-67.46, authorized such powers and duties:

67.44 Section 44. The council of any village may provide for and establish a police force, and may authorize the president to appoint, by and with the consent of the council, from time to time, such number of policemen and night watchmen as they shall deem expedient for the good government of the village, and for the protection of the persons and property of the inhabitants, and they may authorize the president of the village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgment the occasion may require.

67.45 Section 45. The council shall make all necessary rules for the government of the police, and prescribe the powers and duties of policemen and watchmen, and they may invest them with such authority as may be necessary for the preservation of quiet and good order in the village.

67.46 Section 47. The village marshall shall be the chief of the police, and subject to the president, shall have the direction of the police of the village. For the preservation of the peace, the police and watchmen shall have all the powers given by law to constables. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the village in any manner involving a breach of the peace, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the council; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required by the council for the good government of the village.

Authority was also granted to the police officers of such a village to pursue offenders of rules and regulations and, therefore, those who violated regulations concerning recreation or park areas through Act 278, Public Acts of 1909, Chapter 78, Section 78.22,

Section 22: When any person has committed or is suspected of having committed any crime or misdemeanor within a village, whether incorporated under the provisions of this act or under existing charter of the village heretofore granted or passed by the legislature for the government of the village, or has escaped from any prison of such a village, the police officers of such village shall have the same right to pursue, arrest and detain such person without the village limits as the sheriff of the county.

In addition, general enabling legislation was granted to villages to enforce all regulations not in conflict with the general law of the State of Michigan through Section 24 of the same Act 278, Public Acts of 1909.

Section 24: Each village may in its charter provide: For the enforcement of all such local, police, sanitary and other regulations as are not in conflict with the general law.

Rules, ordinances and regulations regarding parks and recreation were thus enforced by the general policing agency, marshall or president of the village. The advantages or disadvantages of this type of enforcement are discussed later in this study.

Township Authority

Similar to such village establishment of regulations concerning parks and recreation and the resultant powers needed to enforce such regulations, is the township authority. General enabling legislation authorized the townships to acquire, maintain and control public parks, bathing beaches and places of recreation.¹ Boards of commissioners are authorized through enabling legislation for control of such parks and recreation and are granted general powers to adopt rules and regulations:

Act 157, Public Acts of 1905, as amended by Act 32, 1964, Chapter 41, Section 41.422, which allows:

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. (Emphasis added)
 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.

Authority to enforce such rules and regulations is granted to general policing agencies for both Charter Townships and Townships.

¹See Appendix for enabling legislation.

Act 246, Public Acts of 1945, as last amended by Act 17, Public Acts of 1969, Chapter 41, Section 41.181:

Section 1: The township board of a township may, at a regular or special meeting by a majority of the members elect of the township board, adopt ordinances regulating the public health, safety and general welfare of persons and property, fire protection, the licensing or use of bicycles, traffic and parking of vehicles, sidewalk maintenance and repairs, the licensing and regulating of hawkers, vendors, peddlers, * * * solicitors, circuses, carnivals and public amusements, and provide penalties for the violation thereof, and shall enforce the same and may for that purpose employ and establish a police department with full power and authority to enforce all local township ordinances and state laws, provided that in the event state laws are to be enforced, such townships shall have a * * * law enforcement unit composed of at least 1 full time person, all members of which shall have at least 2 weeks prior police work experience or its equivalent as approved by the township board or may by resolution appropriate funds and call upon the sheriff of the county in which the township is located to provide special police protection for the township. It shall be the duty of the sheriff, when so called upon, to provide special police protection for the township and to enforce all local township ordinances, to the extent that township funds are appropriated therefor. Special township deputies appointed by the sheriff shall be under the jurisdiction of and solely responsible to the sheriff. Ordinances regulating traffic and parking of vehicles shall not be in contravention of the provisions of Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Compiled Laws of 1948.

Ordinances so enacted may apply to the streets, roads, highways, or portions of the township as shall be determined by the board, or may be limited to specified platted lands within the township, and with respect thereto shall be valid and enforceable whether the roads and streets therein have been dedicated to public use or not. Township boards of townships enacting ordinances hereunder may accept contributions from duly constituted representatives of the platted lands benefited by such ordinances, to defray all administrative and enforcement costs incident thereto.

Act 181, Public Acts of 1951, Chapter 41, Section 41.855

Section 5: The township board of any township or townships, acting jointly, where appropriations have been made as herein provided, shall have the power to establish and maintain a police department; organize and maintain police vehicles; to employ and appoint a chief of police and such police officers and detectives as shall be required for the proper and efficient operation and maintenance of the police department and proper law enforcement; to make and establish rules and regulations for the government of the department, employees, officers and detectives thereof; and for the care and management of the motor vehicles, equipment, property and building pertaining to the department, and for the prescribing of the powers and duties of such employees, officers and detectives.

Any or all of the foregoing powers, at the discretion of the township board, may be delegated to a police or police and fire administrative board duly created and established according to law.

Township boards in charter townships could establish a police force to preserve order and protect persons and property within township property not located within the corporate limits of any village through Act 359, Public Acts of 1947, Chapter 42, Section 42.12:

Section 12: The township board in each charter township may provide for and establish a police force and authorize the supervisor, or the township superintendent if one has been appointed, to appoint, subject to the approval of the said board, a township marshal and such other policemen and watchmen as may be required to protect property and preserve the public welfare and safety in that portion of the township not included within the corporate limits of any village or villages located wholly or in part within the township. No police officer of any such village shall be ineligible for appointment as a member of the township police force, except that no village police officer shall serve as township marshal. The township board shall make all necessary rules for the government of the township police force and its members and shall prescribe the powers and duties of policemen and watchmen, and may invest them with such authority as may be necessary for the preservation of quiet and order and the protection of persons and property within that part of the township not located within the corporate limits of any village.

This then allowed for an enforcement authority to provide control and protection in any park or recreation area in the township but outside any village limits.

As in the case of villages and townships, enabling legislation authorizes cities (fourth class and home rule), counties, regions and metropolitan districts to acquire, maintain and control (through regulations and rules) parks and recreation areas.¹ The enforcement of such rules and regulations and the powers and duties granted to the enforcement body are variable.

¹Ibid.

Fourth Class Cities Law Enforcement Powers

In fourth class cities the establishment of an enforcing agent and the powers granted to such agents were established under Act 215, Public Acts of 1895, Chapters 87 and 92, being Sections 87.16, 87.17, 87.24, 92.2 and 92.4.

87.16

Section 16: The marshall shall be the chief of police of the city. As police officer, he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced.

As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him and such process may be served anywhere within the state.

87.17

Section 17: He shall suppress all riots, disturbances, and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. It shall be his duty to arrest all disorderly persons in the corporation. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the state or the ordinances of the city amounting to a breach of the peace, and forthwith take such person before the proper magistrate or court for examination or trial, and may also without process arrest and imprison persons found drunk in the streets.

87.24

Section 24: The constables of the city shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of ordinances of the city.

92.1

Section 1: The council of any city may provide, by ordinance, for a police force and for the appointment by the mayor of such number of policemen and nightwatchmen as they may think necessary for the good government of the city and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require.

92.2

Section 2: The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and nightwatchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. The mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council shall not continue longer than 3 days.

92.4

Section 4: It shall be the duty of the police and nightwatchmen and officers of the force under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, and laws of the state, to suppress all riots, disturbances and breaches of the peace and to pursue and arrest any person fleeing from justice in any part of the state; to apprehend and all persons in the act of committing any offense against the laws of the state, or the ordinances of the city, involving a breach of the peace, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city, or the penal laws of the state; and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service, and for such purposes the chief of police, and every policeman and nightwatchman, shall have all the powers of constables, and may arrest upon view and without process, any person in the act of violating any ordinance of the city involving a breach of the peace, or ob committing any crime against the laws of the state. The chief of police and any policeman may serve and execute all process in suits and proceedings for violations of the ordinances of the city, and also any other process which, by law, a constable may serve.

Home Rule City Enforcement Powers

In home rule cities, enabling legislation allows establishment of enforcement through charter and gives authority to enforcement agents similar to that of the sheriff.

Such enabling authority is contained within Act 279, Public Acts of 1909, Chapter 117, as last amended by Act 166, Public Acts of 1963,

Sections 117.41 and 117.34

Section 41: Each city may in its charter provide:

(9) For the enforcement of all such local, police, sanitary and other regulations as are not in conflict with the general laws.

117.34

Section 34: When any person has committed or is suspected of having committed any crime or misdemeanor within a city, or has escaped from any city prison, the police officers of the city shall have the same right to pursue, arrest and detain such person without the city limits as the sheriff of the county.

Such powers allow for enforcement of rules and regulations within the city parks and recreation areas through the general law enforcement officers.

The powers, restrictions on those powers, duties and responsibilities of the law enforcement officers are encompassed within generalities of the enabling acts. The resultant effect that this has for parks and recreation law enforcement shall be discussed in Chapter V of this study.

County Level

The establishment of county park rules and regulations and the enforcement of those rules and regulations is encased in enabling legislation authorizing county park trustees to adopt and enforce such rules and regulations.

Act 90, Public Acts of 1913, Chapter 123, as amended by Act 165, 1953, Chapter 123, Section 123.66.

Section 6: (reading in part) "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 of such park property . . ."

Sheriff and Constable Powers

Although this allows the county park trustees enforcement powers, the actual law enforcement task of enforcing the rules and regulations normally falls upon the traditional law enforcement agency within the county that has general enforcement powers regarding all rules, ordinances and regulations affecting order and protection of persons and property. Such enforcement powers and duties are assigned to the sheriffs of the respective counties. The Michigan Constitution of 1963, Article 7 Section 4 provides: "There shall be elected for four-year terms in each organized county a sheriff, . . . whose duties and powers shall be provided by law."

Act 2, Public Acts of 1867, Chapter 51, Section 51.221, enlarges the powers and duties of the sheriff, under and deputy sheriffs by providing:

Section 1: That any sheriff, under sheriff, or deputy sheriff, of any county of this state, may and shall hereafter be fully authorized to serve or execute any and all process (ie.; writs, warrants or summons), civil or criminal, issued, or which may by law be issued by any justice of the peace, and to have and to exercise all the powers and duties of constables; and for such services they shall be entitled to the same fees as are now, or may be allowed by law to constables in like cases.

The powers and duties of a sheriff, under or deputy sheriff are then predicated on the powers and duties of constables. Chapter 16, Section 82 and 83, Revised Statutes of 1846, being Chapter 41, Sections 41.82 and 41.83, provides for the duties and powers of constables.

41.82

Section 82: Constables shall serve all warrants, notices and process lawfully directed to them by the township board, or the township clerks, or any other officer, and shall perform such other duties as are required of them by law.

41.83

Section 83: An constable may serve writ, process or order lawfully directed to him, in any township in his county.

Common Law Peace Officer

Constables are, under the constitution and laws of this state, common law peace officers within the meaning of the criminal statutes and are empowered to make arrests without warrants for misdemeanors committed in their presence. Furthermore, peace officers are empowered to make arrests for violations of federal laws and regulations. Sheriffs acting as constables and, thus, as any peace officer are therefore authorized to carry concealed weapons through Act 328, Public Acts of 1931, Chapter 750, as last amended by Act 215, Public Acts of 1964, Chapter 750, Section 231. Furthermore, sheriff and constable powers are defined more explicitly in Act 236, Public Acts of 1961, Chapter 600, Section 600.584, which authorizes:

Section 584: The sheriff, his deputies, and any coroner or constable having the power to perform such duty may require suitable aid in:

- (a) serving process in civil or criminal cases;
- (b) preserving the peace;
- (c) apprehending or securing any person for felony or breach of the peace.

Counties and Regions

As can be seen, the sheriff is responsible for preserving the peace, maintaining order, arresting offenders who break laws or regulations and any other duties or powers conferred on him by law. This would include general authority to enforce the rules and regulations promulgated to preserve order and protect citizens and their property in parks and recreation areas. Counties and regions, through enabling legislation, may establish or create county or regional parks and recreation commissions. Enabling legislation provides that this commission may make rules and

provide for the enforcement of such. Perhaps the most important section of the enabling legislation is that it enables the commission to appoint or contract for law enforcement and provides power and authority for the appointed law enforcement agents.

Specialized Park and Recreation Law Enforcement

Act 261, Public Acts of 1965, Chapter 46, as amended by Act 216, Public Acts of 1968, Section 46.364, provides that:

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 adoptions 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 of prosecution, or imprisoned in the county jail for a period not to exceed 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 apprehension 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 this 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 the section and may appropriate and expend funds for such services.

Metropolitan Districts

Metropolitan districts for parks and recreation have also been established through enabling legislation.¹ Incorporation of districts,

¹Ibid.

however, has been allowed or authorized to contain charter provisions for enforcement of rules and regulations.

Act 312, Public Acts of 1929, Chapter 119, Section 119.4, provides that:

Section 4: Each district incorporated under provisions hereof may provide in its charter:

(j) For the enforcement of all such local, police, sanitary and other regulations as are not in conflict with general laws.

This in effect, therefore, allows metropolitan districts enforcement powers which may then be delegated to an enforcement authority or contracted from an existing agency.

General Law Enforcement

Overall, at the various local levels, enforcement powers are vested in general law enforcement personnel. Such peace officers can exercise authority outside their own jurisdiction when in pursuit of a criminal or suspected criminal or in pursuit of an escapee. In addition, Act 175, Public Acts of 1927, Chapter 764, Section 764.2a authorizes that:

Section 2a: Any peace officer of any county, city or village of this state may exercise authority and powers outside his own county, city or village, when he shall be enforcing the laws of the state of Michigan in conjunction with the Michigan State Police, or in conjunction with any peace officer of the county, city or village in which he may be, the same as if he were in his own county, city or village.

Mutual assistance between local governmental units regarding police assistance is provided in Act 236, Public Acts of 1967, Chapter 123, Section 123.811.

Section 1: Any two or more cities, villages or townships, whether adjacent to each other or not, may enter into agreements to provide mutual police assistance to one another in case of emergencies.

Restriction Through Criminal Sanction

Restrictions regarding enforcement officers are provided by statute as well as through the judiciary. Such restrictions on arbitrariness or on interference with legality may be applicable to state as well as local law enforcement officers, such as is the case of Act 158, Public Acts of 1966, Chapter 752, Section 725.11.

Section 1: Any public official, appointed or elected, who is responsible for enforcing or upholding the law of this state and who wilfully and knowingly fails to uphold or enforce the law with the result that any person's legal rights are denied, is guilty of a misdemeanor.

State Park and Recreation Law Enforcement

State law enforcement as reflected in parks and recreation is performed for the most part by conservation officers of the Department of Natural Resources Law Enforcement Division. Enabling legislation has provided these officers with powers and duties beyond the stigmatized enforcement of the "game" and "fish" laws which they are normally associated with. Such enabling legislation is found in Act 192, Public Acts of 1929, Chapter 300, as amended by Act 24, 1950, Chapter 300, Sections 300.11, 300.12 and 300.16.

300.11

Section 1: It shall be the duty of the director of conservation and of any officer appointed by him to enforce the statutes and laws of this state for the protection, propagation or preservation of wild birds, wild animals and fish, now in force or hereafter enacted; to enforce the provisions of all other laws of this state now existing or hereafter enacted or promulgated which pertain to the powers and duties of the director of conservation or the commission of conservation; to bring or cause to be brought or to prosecute or cause to be prosecuted actions and proceedings in the name of the people of the state for the purpose of punishing any person for the violation of said statutes or laws. Such actions and proceedings shall be brought in the name of the people in like cases in the same courts and under the same procedure as they may now or may hereafter be brought by an individual or by the prosecuting attorneys of the several counties under and by virtue of any statute or law existing or hereafter enacted.

Under this act, officers appointed by director of conservation are vested with broad authority. Not only are they required to enforce the conservation laws but are declared to be peace officers with powers ordinarily exercised by peace officers under the general laws of the state.¹

300.12

Section 2: The director of conservation, or any officer appointed by him, may make complaint and cause proceedings to be commenced against any person for a violation of any of the laws or statutes mentioned in section 1 of this act, without the sanction of the prosecuting attorney of the county in which such proceedings are commenced, and in such case, such officer shall not be obliged to furnish security for costs. Said director, or any of said officers, may appear for the people in any court of competent jurisdiction in any cases for violation of any of said statutes or laws, and prosecute the same in the same manner and with the same authority as the prosecuting attorney of any county in which such proceedings are commenced, and may sign vouchers for the payment of jurors' or witness' fees in such cases in the same manner and with the same authority as prosecuting attorneys in criminal cases. Whenever any of said officers have probable cause to believe that any of the aforesaid statutes or laws have been or are being violated by any particular person they shall have power to search, without warrant, any boat, conveyance, vehicle, automobile, fish box, fish basket, game bag, game coat, or any other receptacle or place, except dwellings or dwelling houses, or within the curtilage of any dwelling house in which nets, hunting or fishing apparatus or appliances, wild birds, wild animals or fish may be possessed, kept or carried by such person, and any of said officers may enter into or upon any private or public property for such purpose or for the purpose of patrolling or investigating or examining when he has probable cause for believing that any of the aforesaid statutes or laws have been or are being violated thereon. The term "private property" as used herein shall not include dwellings or dwelling houses, or that which is within the curtilage of any dwelling house. Said officer shall at any and all times seize and take possession of any and all nets, hunting or fishing apparatus or appliances or other property, wild birds, wild animals, or fish, or any part or parts thereof which have been caught, taken, killed, shipped, or had in possession or under control, at a time, in a manner or for a purpose contrary to any of the aforesaid statutes or laws and such seizure may be made without a warrant. No common carrier shall be held responsible in damages or otherwise to

¹ Attorney General Opinion, No. 1794, p. 351 (1952-1954).

any owner, shipper, or consignee by reason of any such seizure. When complaint shall be made on oath to any magistrate authorized to issue warrants in criminal cases, that any wild birds, wild animals, or fish, or any part or parts thereof, or any nets, hunting or fishing apparatus or appliances or other property have been or are being killed, taken, or caught, or had in possession, or had under control or shipped, contrary to the aforesaid statutes or laws, and that the complainant believes same to be stored, kept or concealed in any particular house or place, such magistrate if he be satisfied that there is probable cause for such belief, shall issue a warrant to search for such property. Such warrant shall be directed to the director of conservation or any officer appointed by him, or to any other peace officer. All wild birds, wild animals, or fish, or nets, or boats, or fishing or hunting appliances or apparatus, or automobiles, or other property, of any kind seized by any of said officers shall be turned over to the director of conservation to be held by him subject to the order of the court as hereinafter provided.

For the purposes of this act, "probable cause" or "probable cause to believe" shall be considered to be present on the part of a peace officer where there are facts which would induce any fair-minded man of average intelligence and judgment to believe that a law or statute had been violated or was being violated contrary to any of the aforesaid statutes or laws.

300.16

Section 6: Said director of conservation and any special assistants or conservation officers appointed by him are hereby declared to be peace officers and are vested with all the powers, privileges, prerogatives and immunities conferred upon peace officers by the general laws of this state and shall have the same power to serve criminal process as sheriffs, and shall have the same right as sheriffs to require aid in executing such process, and shall be entitled to the same fees as sheriffs in performing any of said duties. Any of said officers shall have the power to arrest, without warrant, any person or persons violating any of the aforesaid laws mentioned in section 1 of this act in the presence of any such officer. Any person or persons so arrested shall be brought forthwith before a justice of the peace, or other magistrate having jurisdiction, who shall prepare, without delay, to hear, try, and determine the matter and the same proceedings shall be had as near as may be as in other criminal matters triable before a justice of the peace, or other magistrate having jurisdiction. Such arrests may be made on Sunday and in such case the person so arrested shall be taken before a justice of the peace, or other magistrate having jurisdiction, and proceeded against as soon as may be, on a week day following the arrest.

Powers of Special State Police Officers

Additional enforcement powers and duties for state conservation law enforcement officers is provided in enabling legislation for the Michigan State Police. Act 59, Public Acts of 1935, Chapter 28, as amended by

Act 4, 1942 1st Extra Session, Chapter 28, Section 28.6a, provides that the commissioner of State Police:

Section 6a: The commissioner is hereby authorized, with the approval of the director of conservation and the governor, to appoint any conservation officer as a special state police officer, who shall be vested with the powers of an officer of the state police, and who shall in his capacity as special state police officer be under the direction of the commissioner.

A further delineation of these powers and duties of a state police officer is needed to clarify the powers granted to the conservation officer when appointed as a special state police officer. Specification of these powers and duties is found in the preceding section of the same Act 59, Public Acts of 1935.

28.6

Section 6: The commissioner and each officer of the department are hereby individually vested with the powers of a conservator of the peace. They may also apply to any judicial officer of the state for issuance of search warrants, warrants of arrest or any other criminal process or orders necessary where the institution of criminal proceedings for the discovery or punishment of a felony or a misdemeanor of any degree is ordered in writing by the attorney general of the state of Michigan in any case where the proper prosecuting attorney shall fail or refuse to act or give his approval thereto. The said commissioner and each officer of said department are hereby granted all the immunities and matters of defense available or hereafter made available to conservators of the peace and/or sheriffs in any suit brought against them by virtue of acts done in the course of their employment.

Any such member of the said department may serve and execute all criminal and civil process, when directed to do so by the governor or by the attorney general, in actions and matters in which the state is a party. The commissioner and said department shall be under the immediate control and direction of the governor, and any member thereof may be employed by the attorney general in any investigation or matter under the jurisdiction of his department.

The commissioner shall have authority, upon the order of the governor, to call upon any sheriff or other police officer of any county, city, township, or village, within the limits of their respective jurisdictions, for aid and assistance in the performance of any duty imposed by this act and, upon being notified or called upon for such aid and assistance, it shall be the duty of the officer concerned to comply with such order to the extent requested. Refusal or neglect to comply therewith shall be deemed misfeasance in office and shall subject the officer so refusing or neglecting to removal from office.

The said commissioner shall formulate and put into effect plans and means of cooperating with the local police and peace officers throughout the state for the purpose of the prevention and discovery of crimes and the apprehension of criminals; and it shall be the duty of all such local police and peace officers to cooperate with such commissioner in such plans and means. Every telegraph and telephone company operating within this state shall grant priority of service to the police agencies and to the Michigan state police when notified that such service is urgent and in the interests of the public safety.

The commissioner and all officers of said department shall have and exercise all the powers of deputy sheriffs in the execution of the criminal laws of the state and of all laws for the discovery and prevention of crime and shall have authority to make arrests without warrants for all violations of the law committed in their presence including laws designed for the protection of the public in the use of the highways of the state, and to serve and execute all criminal process. It shall be their duty to cooperate with other state authorities and local authorities in the detecting of crime, apprehending of criminals, and preserving law and order throughout the state.

Education and Training

Both at the state and local level, training is needed for law enforcement officers. Enabling legislation authorized the public safety department (now the department of state police) to establish a school for the instruction of law enforcement with provision for instruction in certain areas. Act 211, Public Acts of 1931, Chapter 28, Section 28.211 provided that:

Section 1: The department of public safety is hereby authorized to establish and conduct a school for the instruction of law enforcing officers of this state and of the several counties, townships, cities and villages thereof, such school to be known as the Michigan training school for peace officers and to be conducted and the sessions and periods thereof to be held at East Lansing and at such other places in the state as the commissioner of public safety shall designate. Provision shall be made for instruction in the following subjects and such others as the commission of public safety shall deem expedient:

- (a) Identification of criminals and fingerprinting;
- (b) Methods of crime investigation;
- (c) Rules of criminal evidence;
- (d) Presentation of cases in courts;
- (e) Making of complaints and securing of criminal warrants;
- (f) Securing and use of search warrants;
- (g) Enforcement of general criminal laws;
- (h) Small arms instruction;
- (i) Regulation of traffic and uniformity in enforcement;
- (j) First aid;

- (k) Ethics of the police profession;
- (l) Courtesy in performance of duty;
- (m) Jui Jitsu;
- (n) Extent of police authority;
- (o) Confessions and statements.

Since 1965, all law enforcement officers, including those engaged in enforcing state conservation laws and specialized local park and recreation law enforcement rangers whose duties require enforcement of state, local and special laws within the park and recreation spectrum are required to have completed minimum employment standards. Such standards are a result of legislation establishing the "Michigan Law Enforcement Officers Training Council Act of 1965". The act required the law enforcement council to prepare and publish minimum employment standards. Act 203, Public Acts of 1965, Chapter 28, as last amended by Act 31, 1971, Chapter 28, Sections 28.602 and 28.609, made the following provisions:

28.602

Section 2: As used in this act:

- (a) "Council" means the law enforcement council.
- (b) "Executive secretary" means the executive secretary of the council.
- (c) "Police officer" or "law enforcement officer" means a member of a police force of other organization of a city, county, township, village or of the state, regularly employed as such and who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state, but shall not include any person serving as such solely by virtue of his occupying any other office or position.

28.609

Section 9: (1) The council shall prepare and publish minimum employment standards with due consideration to varying factors and special requirements of local police agencies relative to:

- (a) Minimum standards of physical, educational, mental and moral fitness which shall govern the recruitment, selection and appointment of police officers.
- (b) The approval of police training schools administered by a city, county, township, village or corporation.
- (c) Minimum course of study, attendance requirements of at least 240 instructional hours, equipment and facilities required at approved city, county, township, village or corporation police training schools.

(d) The requirements in subdivision (c) shall be waived if:

(i) The person has previously completed 240 instructional hours, has voluntarily or involuntarily discontinued his work as a law enforcement officer, and is again employed within 6 months after discontinuing work as a police officer.

(ii) The person has served at least 3 years with a jurisdiction offering the training prescribed in subdivision (c) or its equivalent and takes employment with another police agency.

(iii) The person has retired from an agency coming under the jurisdiction of this act or an agency offering the equivalent training and is employed by another police agency within 2 years of date of retirement.

(iv) The person is a member of a sheriff's posse or police auxiliary temporarily engaged in the performance of his duties and while under the direction of the sheriff or police department.

(e) Minimum qualifications for instructors at approved police training schools.

(f) Minimum basic training requirements which regularly employed police officers excluding sheriffs shall complete before being eligible for employment.

(g) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements for such categories or classifications.

(h) The establishment of subordinate regional training centers in strategic geographic locations in order to serve the greatest number of police agencies that are unable to support their own training programs.

(i) Acceptance of police training and experience in countries other than the United States in fulfillment in whole or in part of the minimum employment standards prepared and published by the commission.

(2) Notwithstanding any other provision of this, or any statute, a regularly employed person employed on or after January 1, 1971, as a member of a police force having 3 or more full-time officers shall not be empowered to exercise all the authority of a peace officer in this state, nor employed in a position which is granted the authority of a peace officer by statute, unless the person has complied with the minimum employment standards prepared and published by the council pursuant to this section. Law enforcement officers employed on or before January 1, 1971, may continue their employment and participate in training programs on a voluntary or assigned basis but failure to meet standards shall not be grounds for dismissal of or termination of employment.

Summary

Michigan legislation enables or makes provision for enforcement of laws, ordinances, rules and regulations within parks and places of recreation at the state and local level. The legislation authorizes and empowers general law enforcement agencies or specialized park and recreation law enforcement agencies to have authority within such areas. Powers,

restrictions on those powers, duties, responsibilities and employment standards are considered by the legislation, however, analysis of this existing legislation in light of what should be, or the ideal, is necessary to determine the adequacy of the existing legislation with regard to its strengths and weaknesses. The following section of this study will attempt such an analysis.

CHAPTER V

ANALYSIS AND CONCLUSIONS

Analysis

Michigan legislation reflects park and recreation law enforcement specifically at the county, regional and the state level. County and regional enabling legislation provides for law enforcement through park rangers, whereas park and recreation law enforcement at the state level is provided by conservation officers. It appears that, even though enabling legislation authorizes villages, townships, cities and counties to promulgate rules and regulations and provide for enforcement, actual enforcement powers and duties are not provided in the enabling legislation. Powers, restrictions on those powers, duties and responsibilities, as well as employment standards, are established by Michigan legislation for general law enforcement performance. This allows general law enforcement officers to enforce both general laws and rules, regulations and ordinances promulgated for parks and recreation. Thus, general law enforcement officers are authorized to enforce general state laws, local ordinances and special rules or regulations within the jurisdictional area in which they operate, including park and recreation areas that may be contained within that jurisdiction. Pursuit of criminals or suspected criminals is allowed beyond jurisdictional areas for violations of the state's general laws; conceivably law enforcement personnel could pursue a criminal in park and recreation areas for a crime committed outside

such areas or pursue outside for an act committed within such areas.

The Michigan legislation appears to be sufficiently broad in the powers for park and recreation law enforcement, however, in light of the ideal, it does not appear to be specific enough to satisfy the functions, philosophy, and goals of the recreation experience. The overall strength of the legislation is that it provides for powers to enforce the laws, rules and regulations necessary for order and control of deviant behavior within recreation areas. The major weakness is legislation does not specify the restrictions needed on the powers, nor the training necessary for officers to cope with the specialized recreation attitudes and experience.

The power to arrest, search and seize are authorized and, thus, contribute to the protection of personal safety and property security. The legislation allowing an officer to pursue a criminal or suspected criminal beyond jurisdiction area of the officer is adequate for the powers needed by general law enforcement personnel for it is worded in general enough terms to allow them to pursue offenders for a crime committed within a park or recreation area. The enabling legislation referring to county and regional park rangers is, however, decidedly inadequate for recreation law enforcement officers pursuit of a criminal or suspected criminal by such rangers because it limits their authority and powers to only the property administered by the county or regional park commission. This, then, would require an officer in pursuit of a suspected criminal to stop at the boundaries of the property, or if he continued pursuit, the general privileges and immunities of a peace officer would not be applicable to him outside the boundaries of the property. State level park and recreation officers (conservation officers)

are not limited in pursuing an offender because they have the general powers of any peace officer of the state.

A major strength in the enabling legislation regarding county, regional and state park and recreation law enforcement is that it confers upon them the powers, privileges and immunities of a peace officer. The legislation, however, does not specify for the county and regional park and recreation officers (rangers) what those powers, privileges and immunities entail, nor does it specify what the officers' duties are. The extent of authority to arrest, search and seize are not spelled out other than they may enforce the laws of the state and rules adopted by the county or regional commissions. Such generalized authority could lead to arbitrariness in decisions affecting the public as well as a lack of accountability to either the public or legality.

The enabling legislation does not meet the necessity for restrictions, in that, there is no mention of restrictions on park and recreation law enforcement at the county, village, city or township level. County and regional park and recreation law enforcement officers are allowed traditional peace officer powers. There is no specification of conditions under which carrying weapons and maintaining traditional symbols of coercive force are appropriate or inappropriate. Such symbols can restrict the pleasurable experiences that recreation is to provide (see page 32). In addition, no restrictions or provisions are made for public review boards of misactions of officers--necessary if park and recreation law enforcement is to remain accountable to the public. Restrictions regarding employing coercive force and performing regulatory functions are lacking in the legislation. The legislation fails to restrict coercive force to use only as a last resort in the park and

recreation law enforcement so as not to interfere with the freedom of choice and opportunity for physical, mental and emotional expression.

Regulatory powers are not restricted by legislation. Excessive regulation can become overbearing to the point of interfering with the pleasure gained from recreation and may compel the recreator to limit his recreation to a certain area or time. Such restrictions are not placed on the general law enforcement agencies who can enforce laws, rules and regulations in parks and recreation areas within villages, townships, cities, counties and metropolitan districts.

At the state level of park and recreation law enforcement, officers (conservation) are restricted in their powers to search and seize within a dwelling or the curtilage of a dwelling, however, there are no restrictions upon the powers to employ coercive force or to carry weapons which may detract from the pleasure of a recreational experience. Nor are they restricted in arbitrary decision making through provision for public review boards insuring accountability to the public. They, as other park and recreation law enforcement and general or traditional law enforcement, are only restricted by the judiciary decisions preventing admissibility of evidence and restricted by a law (applicable to all public officials having authority to enforce) by providing for criminal sanction if they interfere knowingly and willingly with a person's civil rights.

Judicial restrictions are not sufficient from a park and recreation law enforcement point of view because they occur after the fact. Arbitrariness, coercive force and excessive regulatory performance can stifle the pleasure gained from the recreation experience. Thus, restrictions must be applied before such acts occur rather than after they already

have damaged the fragile recreation mood. The legislation providing for criminal sanctions for interference of civil rights is a step in the right direction. However, rectification occurs here, too, after civil rights have been interfered with. It would be more ideal that restrictions be provided by legislation and that criminal sanctions be applied if law enforcement officers violated those legislative restrictions.

The Michigan legislation also fails to restrict park and recreation law enforcement to only those who are employed by park and recreation commissions. The legislation authorizes villages and townships to have constables, marshalls and police departments with general enforcement powers which can be applicable to parks or recreation areas within the limits of such governmental units. Likewise the city may provide for a constable, marshall and police force with powers of general peace officers conferred by law and with duties to protect citizens, their property and maintain order within the community. County park and recreation law enforcement can be provided by the sheriff or his deputies, who are empowered to execute all process and exercise all the power and duties of constables. Thus, law enforcement in park and recreation is authorized to be performed by traditional law enforcement agencies which do not have a knowledge or philosophy of recreation necessary for enforcement compatible with the recreation situation.

Only at the state level and in the exceptional case of county and regional enabling legislation, are there provisions for specialized park and recreation law enforcement. But, even in both of these cases, the enforcement powers and duties are not exclusively provided by park and recreation law enforcement. The state police (at the state level),

the sheriff and the city, village or township (at the county or regional level) are enabled, through legislation, to provide enforcement of laws within parks and recreation areas. Enforcement of the laws by agencies not involved in or responsible to recreation administrators or commissions of recreation, can result in action by untrained enforcement personnel who could sacrifice the pleasure, outlet, and freedom of choice to maintenance of order through control and regulation of behavior perhaps to unnecessarily narrow limits.

The traditional law enforcement agencies are usually modeled after a para-military structure which can lead to regimented and routine methods of handling the public rather than the flexibility needed in the highly unstructured recreation situation. Para-military model can stress symbols of authority leading to an image of coerciveness which can stifle the feeling of freedom necessary to recreational enjoyment.

Closely allied to the need for restricting outside enforcement officers from enforcing within the park, without being asked by recreation law enforcement authorities, is the necessity for setting employment standards. Michigan legislation provides that park and recreation law enforcement personnel (rangers) at the county or regional level be deputized if they are to be empowered to enforce laws other than the rules and regulations promulgated by the county or regional parks commission. This legislation also establishes that park and recreation law enforcement personnel at such levels must meet the minimum standards established by the law enforcement officers training council before they may be appointed. Park and recreation law enforcement personnel, just as any other law enforcement personnel, must meet these minimum standards set by the law enforcement officers training council, but in this researcher's opinion,

these minimum standards are not high enough for park and recreation law enforcement officers. Two hundred forty hours of training with emphasis on police techniques and skills is not a sufficient education or training program for enforcement personnel who are in the unique situations of parks and recreation.

The legislation provides that park and recreation law enforcement, as all law enforcement personnel, must have 240 hours training if they are responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state of Michigan. The legislative act, however, does not specify the training required. Legislation is also available enabling the department of State Police to establish a training school for peace officers with provision for instruction primarily in law enforcement techniques, first aid and self defense. These two legislative acts are not specific enough for park and recreation law enforcement. The public supported recreation philosophy must be considered in enforcing laws within the recreation setting. Personnel empowered to enforce the laws under such a philosophy must develop attitudes conducive to the enhancement of pleasure and development that individuals gain from recreation. Attitudes depend upon education and training, thus, education for enforcing laws and order must emphasize the human element in recreation. Education for park and recreation law enforcement must provide and stress training in the areas of sociology, psychology, recreation, law, communication, government and social science research, in addition to law enforcement techniques, if recreators are to have the opportunity for physical, mental and emotional outlet, freedom of choice and pleasurable experience.

Legislation must specify such education or training as an employment standard if park and recreation law enforcement personnel are to be well qualified with attitudes conducive to recreation. Such legislative minimum standards would help ensure that park and recreation law enforcement personnel would provide leadership, service and help to recreators as well as the necessary order and protection for citizens involved in the recreation experience.

Policy Formulation in the Legislative Spectrum

Current Michigan legislation, pertaining to park and recreation law enforcement and to general law enforcement charged with performance of duties in the park and recreation spectrum, authorizes city councils, township boards, village councils and county or regional commissions to make rules for the regulation and government of the police by prescribing and defining their powers and duties not outlined in the general laws. The legislation, therefore, allows the local governmental legislative bodies to establish duties and responsibilities for law enforcement in parks and recreation law enforcement.

Policy formulation by such a legislative body is good from the standpoint that the legislative body is supposed to be responsive to the general needs of its constituents. The legislative body is therefore in a good position to react to those needs by establishing policy. Law enforcement and particularly park and recreation law enforcement is in a unique position, because of direct contact on a day to day basis with the public, to determine the needs of citizens for protection and order. Thus, in a position to determine the best methods for balancing those needs with individual opportunities (when accountability and attitudes of personnel are adequate). The park and recreation law enforcement

agency is also in the best position to determine what policies are necessary for maintaining sufficient personnel attitudes and morale for functional operation within the recreation or park environment. Therefore, park and recreation law enforcement must be authorized, through enabling legislation, to formulate policy regarding duties and responsibilities. But such enabling legislation must limit policy formulation to those areas which will enhance the pleasure, outlet and freedom inherent in recreation. Ideally the legislation should specify that policy must be developed concerning public and property security standards, what services shall be provided to the public, additional training for upgrading performance, procedures for suggestion and grievances, promotional practices and policy concerning employment standards. Such specific policy formulation by park and recreation law enforcement would reassure the public, particularly recreators, that there is a policy rather than arbitrariness regarding laws or regulations to be enforced and services to be performed. In addition, policy regarding interagency operations raises morale of park and recreation law enforcement personnel by insuring that: training is being upgraded to meet needs, grievances and suggestions are being looked into, employment practices are standardized and promotion will follow a set practice rather than the whims of those in a higher position.

Legislation at the state level, therefore, is currently insufficient and unspecific for policy information in park and recreation law enforcement.

Conclusions

The analysis of the Michigan legislation reflecting park and recreation law enforcement in light of the ideal elements, that should be considered in such legislation, provides the following conclusions:

1. The legislation is adequate for conferring the powers which park and recreation law enforcement needs, however, it does not sufficiently specify those problems.

2. The Michigan legislation does not contain adequate restrictions on the powers delegated to law enforcement nor does it restrict traditional law enforcement from providing the enforcement within the parks and recreation areas.

3. Enabling legislation for specialized park and recreation law enforcement at the village, township and city level is inadequate due to its generalized authorization.

4. Legislation reflecting park and recreation law enforcement at the state level (through its conservation officers) is adequate in defining the powers and duties of the officers, however, it is inadequate in providing restrictions on officers and in specifying training and education standards for employment.

5. Michigan legislation is not sufficiently specific in providing adequate employment standards for park and recreation law enforcement personnel; thus, resulting in a lower "professional" image of park and recreation law enforcement.

6. The Michigan legislation does not adequately authorize policy formulation by park and recreation law enforcement agencies.

7. The Michigan legislation provides adequate power to establish cooperative law enforcement assistance between two or more law enforcement agencies, including park and recreation law enforcement.

Recommendations for Further Research

The study and analysis suggests the following recommendations for further research:

1. Analysis of state liability law as it relates to park and recreation at the local governmental level.
2. An analysis of state enabling legislation reflecting the acquisition, maintenance, operation and financing of local parks and recreation.
3. Park and recreation law enforcement reflected in federal legislation.
4. Comparative analysis of all States' enabling legislation reflecting local park and recreation law enforcement.
5. Design factors to restrict the incidence of crime in parks and recreation areas.
6. Analysis of case law affecting park and recreation law enforcement.
7. Effects of park and recreation department organizational structures on operational efficiency and development of philosophy regarding recreation.

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APPENDIX

Summary of
Laws
relating to
Local Parks
and
Recreation

STATE OF MICHIGAN
1972

EXTENSION BULLETIN 515
NATURAL RESOURCES SERIES
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MICHIGAN STATE UNIVERSITY
AUGUST 1972

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FOREWORD

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

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

These acts were taken from the *Compiled Laws of Michigan*, 1948 edition, *Michigan Statutes Annotated*, 1964 edition, *Michigan Compiled Laws Annotated*, 1967 edition with supplements. Legislation can be referred to according to chapter and section cited.

Laurence A. Schenk, graduate student in Park and Recreation Administration, Department of Resource Development, Michigan State University, assisted in compiling the acts enacted until 1965. Rodney R. Zwick, graduate student in the Department of Park and Recreation Resources, assisted in compiling the acts for revision of the publication — LOUIS F. TWARDZIK, Recreation Specialist, Cooperative Extension Service, and Professor and Chairman, Department of Parks and Recreation Resources, Michigan State University.

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.

LOCAL GOVERNMENTS

Act 3, Public Acts of 1895, Incorporation of Villages

An act to:

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

CHAPTER IV: Duties of the Street Commissioner.

SECTION 18:

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

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

CHAPTER VII: Power of Council

SECTION 4:

a. Any village may:

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

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

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

SECTION 5:

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

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

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

SECTION 6:

a. The village council shall have authority to:

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

2. Improve, light, and ornament same.

3. Regulate the use of same.

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

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

An act to:

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

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

2. Issuance of revenue bonds to pay for same.

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

c. Grant such cities the right to:

1. License ferries and similar commercial craft.

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

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

4. Cancel such licenses.

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

d. Validate leases of facilities which cities have made.

e. Authorize the issuance of bonds.

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

SECTION 1:

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

SECTION 2:

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

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

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

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

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

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

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

SECTION 3:

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

SECTION 4:

a. Any such city is authorized to:

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

SECTION 5:

(This is a severing clause section.)

SECTION 6:

(This is a repeal section.)

} *Repealed*

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

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

a. Operate systems of public recreation and playgrounds.

SECTION 1:

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

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

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

SECTION 2:

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

SECTION 3:

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

SECTION 4:

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

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

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

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

SECTION 1:

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

SECTION 2:

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

SECTION 3:

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

SECTION 4:

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

cause the order to be paid.

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

15. Keep a complete record of expenditures.

SECTION 5:

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

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

SECTION 6:

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

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

An act to:

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

b. Provide for the vacation of incorporation.

SECTION 1:

a. Any city may:

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

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

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

SECTION 2:

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

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

1. Care and protection of the buildings and grounds.

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

SECTION 3:

a. The city council shall have authority to:

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

2. Improve, light, and ornament same.

3. Regulate the use of same.

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

Act 217, Public Acts of 1931, Municipal Forests

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

SECTION 1:

M.S.A. 13.281 Definitions.

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

SECTION 2:

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

a. Any municipality may:

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

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

SECTION 3:

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

a. The municipality may:

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

SECTION 4:

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

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

1. Supervise and manage all lands of the municipality devoted to forestry.
2. Provide for the performance of such labor therein.
3. Make reasonable rules and regulations concerning such lands.
4. Expend such moneys as appropriated or received for such purposes.

SECTION 8:

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

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

SECTION 10:

M.S.A. 13.290 Disposition of income.

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

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

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

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

SECTION 1:

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

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

SECTION 2:

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

SECTION 3:

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

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

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

An act to:

- a. Provide for the incorporation of cities.
- b. Provide for revising and amending their charters.

SECTION 4e:

- a. Each city in its charter shall provide:

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

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

2. For the costs and expenses of the above.

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

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

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

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

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

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

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

SECTION 1:

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

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

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

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

An act to:

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

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

SECTION 1:

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

b. No such gift shall be invalid:

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

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

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

Act 62, Public Acts of 1963, Industrial Development Revenue Bonds, As Amended by Act 200, 1968, Section 125.1252, As Amended by Act 8, 1970, Chapter 125, Section 125.1252.

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 provide 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.

SECTION 2:

(This section relates to definitions).

Act 179, Public Acts of 1967, Chapter 123, Section 123.461

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.

Act 31, Public Acts of the First Extra Session of 1948, Incorporation of Authorities Act, As Amended by Act 96, 1968, Chapter 123, Sections 123.951-123.965, As Last Amended by Act 47, 1970, Chapter 123, Sections 123.951-123.965.

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.

Act 191, Public Acts of 1965, Chapter 780, Sections 780.51-780.52

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 ½ 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.

Act 229, Public Acts of 1909, Home Rule Cities Act, As Amended by Act 219, 1970, Chapter 117, Section 117.9(8)

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.

Act 169, Public Acts of 1970, Historic Districts, As Amended by Act 30, 1971, Chapter 399, Section 399.204

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 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, and for what term.)

SECTION 5:

(This section pertains to the historical structure and any changes that may be required and the approval and scope of the changes.)

SECTION 6:

(This section pertains to grants and gifts made to the local unit 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 affect of the act on any existing legislation and commissions.)

Act 230, Public Act of 1966, Chapter 325, Sections 325.601-325.620

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.

325.601 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)

TOWNSHIPS

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

An act to authorize a township or townships to:

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

SECTION 1:

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

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

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

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

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

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

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

SECTION 2:

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

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

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

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

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

SECTION 3:

- a. Such board of commissioners shall annually:

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

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

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

SECTION 4:

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

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

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

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

c. The full proposition shall be:

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

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

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

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

SECTION 5:

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

Act 271, Public Acts of 1931, Townships Act, As Amended by Act 33, 1962, Chapter 41, Section 41.441-41.446, As Amended by Act 136, 1966, Chapter 41, Sections 41.441-41.446.

An act to provide for:

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

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

c. Creation of a township park commission.

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

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

SECTION 1:

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

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

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

b. At such election:

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

2. Two members for a term of four years.

3. Two members for a term of six years.

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

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

SECTION 2:

a. The township park commission shall have authority to:

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

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

b. The township 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 of township bonds.
- b. Proceeds of such bonds shall be used in the acquisition of lands for township parks and places of recreation.
- c. A three-fifths majority vote of the qualified voters voting thereon shall authorize the issuance of such township bonds.
- d. The issuance of such bonds shall be governed by the provisions of Act 202 of the Public Acts of 1943, as amended:
 1. Provided, that where the township, at the time of such annual meeting, has no outstanding indebtedness, bonded or otherwise, and where the amount of the total proposed acquisition cost is less than one percent of the assessed valuation of the township, the voters of the township may at such annual meeting, authorize and direct the township park commission to purchase or condemn, as the case may be, designated lands for township parks and places of recreation and may, in such cases, direct the township board to pay annually to the township park commission such available portions of contingent funds of the township as may be necessary to pay for such acquisition of lands:

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

SECTION 5A:

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

SECTION 6:

- a. The township park commission shall:
 1. Make a detailed annual report concerning township parks and places of recreation to the township board and board of state auditors.
 2. File such report at the time of the annual meeting of the township board.
 3. Prepare such report in form and to contain such information as the board of state auditors shall direct.

SECTION 7:

This was a severing clause section.
Repealed.

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

An act enabling townships to:

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

SECTION 1:

- a. Any township abutting on navigable water may:
 1. Acquire, construct and maintain public wharves, piers, docks, and landing places.
 2. Lease and control the same.
- b. A township board shall act for the township in acquiring, constructing, and maintaining these facilities when authorized to do so by a three-fifths vote at any general or special election.

SECTION 2:

- a. All proceedings taken under this act shall be done by a township board.
- b. The township board is granted powers exer-

cised by the township Highway Commission in acquiring land.

c. Township board is granted the right to:

1. Acquire land for wharves and like facilities.
2. Lay out, construct, and maintain same, in accordance with the same proceedings as taken by the township Highway Commissioner for acquiring land and constructing and maintaining highways.

d. A general highway law is expanded to include wharves, piers, docks, and landing places, subject to the provisions contained in this act.

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

An act authorizing township boards to:

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

SECTION 1:

- a. Any township board is authorized to:
 1. Transfer and convey to the Board of County Park Trustees of any county in which said township is located the title to any lands held by such township for park purposes, including any lands acquired by such township through the dedication of any plat duly approved and recorded, or—
 2. Arrange with said Board of County Park Trustees for the improvement, maintenance, management, and control of such land.
- b. Upon acceptance by the county park trustees, of any such transfer and conveyance, or upon the making of such arrangement for the care, management, and control, the said county park trustees shall be:
 1. Charged with all the duties relating thereto as are provided by Act 90 of the Public Acts of 1913, as amended relating to parks and other public places.

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

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

An act authorizing cities and other municipalities to:

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

SECTION 1:

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

Act 150, Public Acts of 1970, Chapter 247, Sections 247.381-247.385

An act to designate certain roads as Michigan natural beauty roads; 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 board 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.

Act 159, Public Acts of 1967, Chapter 317, Sections 317.331-317.336

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 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 investi-

gations. 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 ma-

jority 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 depredations 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.

METROPOLITAN DISTRICTS

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

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

SECTION 1:

119.51 Huron-Clinton Metropolitan Authority: incorporation, counties.

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

SECTION 2:

119.52 Definitions.

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

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

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

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

SECTION 3:

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

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

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

SECTION 4:

119.54 Board of Commissioners; election and appointment, term.

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

SECTION 5:

119.55 Same; meetings; organization; employees.

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

SECTION 6:

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

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

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

SECTION 7:

119.57 Same; levy of tax, procedure.

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

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

SECTION 8:

119.58 Revenue bonds; issuance; lien.

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

SECTION 9:

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

For the purpose of the authority as herein de-

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

SECTION 10:

119.60 Referendum.

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

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

“Shall the above local act be approved and adopted?”

“Yes ☐ No ☐”

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

SECTION 11:

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

If a majority of the electors voting thereon at any

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

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

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

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

SECTION 12:

(This was a severing clause section.)
Repealed.

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

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

COUNTIES

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

An act authorizing county boards of supervisors to:

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

SECTION 1:

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

1. Purchase, acquire by condemnation, and accept gifts and devices of real estate for public parks, public zoological gardens, airports, and landing fields either or both, when such lands lie within the boundaries of their respective counties or within the boundaries of any adjoining county.
2. Make appropriations covering costs of such purchase or acquisition by condemnation and incidental to the acceptance of such gift: provided when such lands are acquired in such manner by any county adjoining a county wherein such lands are situated, they shall be conveyed or devised to each county jointly: provided further that a two-thirds vote of the members elect of a board of supervisors shall be necessary to authorize the purchase or condemnation of real estate for such enumerated public purposes.

SECTION 2:

- a. The boards of supervisors are authorized to:
 1. Make appropriations for the improvement and maintenance of such public parks, public zoological garden property, airports, and landing fields as have been purchased or acquired by condemnation or accepted by gift or device or if used for the benefit of the public.

SECTION 3:

- a. The boards of supervisors are authorized and empowered to:
 1. Make appropriations toward improvement and maintenance of such public parks, public zoological gardens, and airports, either owned or held in trust by any township, city, or village within their respective counties or in adjoining county or by two or more adjoining counties.

SECTION 4:

- a. The boards of supervisors may raise by tax on the property within the county, subject to taxation for county purposes, for the purpose of:
 1. Purchasing or acquiring property by condemnation for such public parks, airports, and other authorized purposes.
 2. Improving and maintaining property so purchased or acquired or accepted.
 3. Contributing toward maintenance of such property (public parks and airports) owned or held in trust by townships, cities, villages, or adjoining counties, or if used for the benefit of the public.
- b. The board of supervisors may raise such tax on the property within the county subject to taxation for county purposes:
 1. Such sum as said board of supervisors may deem needful.
 2. Said sum or sums to be raised by tax in the manner provided by law for other county taxes.
 3. Said tax shall never exceed in any one year

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

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

SECTION 5:

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

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

2. Improve the same.

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

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

SECTION 6:

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

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

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

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

d. Said board of trustees shall:

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

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

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

e. Said board of trustees shall:

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

course of improving such property for park purposes.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6A:

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

SECTION 7:

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

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

urer of the municipality owning such park.

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

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

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

c. Any person or official:

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

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

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

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

SECTION 8:

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

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

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

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

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

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

Act 245, Public Acts of 1970, Chapter 281, Sections 1, 7, 8, 9, 12, 281.631-281.645, 281.637, 281.638, 281.639, 281, 281.642

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 1: SHORT TITLE – Shorelands protection and management act of 1970.

SECTION 7:

Within 3 years after the effective date of this act a county, pursuant to rules promulgated under section 12 and Act No. 183 of the Public Acts of 1943, as amended, may zone any shoreland and land to be zoned which is in the county.

SECTION 8:

Within 3 years after the effective date of this act a city or village, pursuant to rules promulgated under section 12 and Act No. 207 of the Public Acts of 1921, as amended, may zone any shoreland and land to be zoned which is in the city or village.

SECTION 9:

Within 3 years after the effective date of this act a township, pursuant to rules promulgated under section 12 and Act No. 184 of the Public Acts of 1943, as amended, may zone any shoreland and land to be zoned which is in the township.

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.

Act 295, Public Acts of 1966, Condemnation for Public Purposes Act, As Amended by Act 220, 1971, Chapter 213, Section 213.361 (h)

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 peti-

tioner, 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.

COUNTIES AND REGIONS

Act 261, Public Acts of 1965, County and Regional Parks and Recreation Act, As Last Amended by Act 104, 1969, Chapter 46, Sections 46.351-46.367.

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 approval of such budget by a majority of each of the boards of supervisors, the proposed budget shall be effective in all counties in the region. That part of the approved budget which is not financed by receipts from fees, gifts and other private sources shall be apportioned among the several counties on the basis of tax valuation. All appropriations shall be paid to the commission and disbursed under its direction.

SECTION 6:

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

SECTION 7:

A county or regional commission shall file with 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 apprehension 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 to 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 resolution 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 not withstanding 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,

STATE RECREATION ASSISTANCE

Act 326, Public Acts of 1965, State Recreation Assistance Act, As Amended by Act 167, 1966, Chapter 299, Sections 299.121-299.127

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

SECTION 1:

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

SECTION 2:

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

SECTION 3:

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

SECTION 4:

(This provided for staff for regional headquarters, for state recreation section, department of conservation) Repealed

SECTION 5:

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

SECTION 6:

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

SECTION 7:

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

FEDERAL RECREATION ASSISTANCE

Act 316, Public Acts of 1965, As Amended by Act 201, 1966, Chapter 299, Section 299.- 116

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 rela-

tive 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.

SCHOOLS AND SCHOOL DISTRICTS

Act 258, Public Acts of 1965

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

SECTION 1:

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

SECTION 681:

Any school district, by a majority vote of the registered school tax electors voting on the question at an annual or special election called for that purpose, may borrow money and issue bonds of the district to defray all or any part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurnishing, equipping or re-equipping school buildings, structures, athletic fields, playgrounds, or other facilities, or any parts thereof or additions thereto; acquiring, preparing, developing or improving sites, or any parts thereof or additions thereto, for school buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition thereto for school purposes; refunding all or any part of existing bonded indebtedness; or the accomplishing of any combination of the foregoing purposes. No school district shall issue bonds under this chapter for an amount greater than 15% of the total assessed valuation of the district, nor shall the bonded indebtedness of a

district extend beyond a period of 30 years for money borrowed. Refunding bonds or the refunding part of any such bond issue shall not be deemed to be within the 15% limitation but shall be deemed to be authorized in addition thereto. Any bond qualified under section 16 of article 9 of the 1963 state constitution and any implementing legislation shall not be included for purposes of calculating the foregoing 15% limitation.

Act 269, Public Acts of 1955, School Code Act, As Amended by Act 340, 1969, Chapter 340, Section 340.377, As Amended by Act 72, 1970, Chapter 340, Section 340.377.

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 non-resident pupils for recreational and instructional purposes; or may cooperate with boards of another school district or the governing body of any other municipality of the state or with individuals in the operation and maintenance of such camps in any manner in which they may mutually agree.

SECTION 603:

Same; entrance requirements; operated without profit.

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

SECTION 604:

The board or boards may acquire, equip, and maintain the necessary facilities and employ the necessary persons for the operation of the camp program which may be conducted on property located either within or outside the territorial limits of the school district. The board or boards are hereby authorized to accept private contributions to be used exclusively for the operation of such camps as may be established under this act. Camps may be

conducted on property under the custody of the state, the federal government, the state board of education, or any county, township, city or village with its consent; or on private property with the consent of the owner.

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

SECTION 786:

A provision to provide for:

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

SECTION 787:

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

Act 223, Public Acts of 1909, Transfer of State Land, As Amended by Act 340, 1968, Chapter 211, Section 211.461

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 institutions; 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

institution, the United States, governmental unit, agency, department, board or 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.

PRIVATE PARKS

Act 55, Public Acts of 1911, Reorganization of Corporations

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

SECTION 1:

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

SECTION 2:

M.S.A. 21.792 Rights and obligations.

SECTION 3:

M.S.A. 21.793 Time limit.

Act 161, Public Acts of 1911, Summer Resort and Park Associations Act, As Amended by Act 41, 1972, Chapter 455, Section 455.306

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

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

An act:

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

1. Hunting
2. Fishing
3. Camping
4. Hiking
5. Sightseeing

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

SECTION 1:

M.S.A. 13.1485

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

Act 171, Public Acts of 1970, Chapter 325, Sections 325.651-325.663

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) "Recreational 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) Slide-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 after 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 approval 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 depart-

ment 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.

Act 285, Public Acts of 1927, Trespass by Hunters, As Amended by Act 164, 1969, Chapter 317, Sections 317.161-317.163.

An act to regulate trespass upon any lands or within the limits of the right of way of any public highway adjoining or abutting upon such lands, and to prohibit the posting or enclosing of lands except by the owner or lessee of lands or by his authorized agents.

SECTION 1:

A person shall not fish in any private lake, pond or stream nor hunt with firearms or dogs, or in any other manner, upon any farm lands or farm wood lots connected therewith or within the enclosed and conspicuously posted lands of any hunting or fishing club without the consent of the owner or lessee of such lands. No person shall, without due authority for posting or enclosing from the owner or lessee of any lands in this state, erect posters or enclose lands so

as to prohibit the public enjoyment of hunting, trapping, fishing or other recreational activities on said lands. No hunter shall possess a loaded firearm or discharge same within the right of way of any public highway adjoining or abutting upon any lands without the consent of the owner or lessee of such abutting lands. The term "public highway" as used in this act shall be deemed to be any road or highway under the jurisdiction of the state highway department or the road commission of any county.

SECTION 1b:

A person shall not knowingly enter in or remain upon any land of another for the purpose of hunting in any manner without the consent of the owner or lessee of the lands under any of the following conditions:

- (a) The lands are fenced or enclosed in a manner to exclude intruders.
- (b) Notice to stay off or leave is personally communicated to him by the owner or lessee of the lands or some other authorized person.
- (c) Notice against trespass is given by posting conspicuously.

SECTION 1c:

While operating a snowmobile, a person shall not enter in or remain upon premises under any of the following conditions:

- (a) The premises are enclosed in a manner so designed to exclude intruders.
- (b) The premises are fenced.
- (c) The premises are posted conspicuously against entry.
- (d) Notice against trespass is personally communicated to him by the owner or lessee of the land or other authorized person.

SECTION 2:

All prosecutions 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.

SECTION 3:

All prosecuting attorneys shall enforce the provisions of this act and prosecute all persons charged with violating the provisions of this act.

TRAILER PARKS

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

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

SECTION 1:

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

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

SECTION 2:

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

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

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

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

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

4. The date of application.

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

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

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

7. The signature of the applicant.

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

SECTION 4:

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

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

SECTION 5:

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

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

Act 243, Public Acts of 1959, Mobile Home Park Act, As Amended by Act 172, 1970, Chapter 125, Sections 1, 2, 7, 22, 23, 28, 32, 52, 53, 55, 66, 73 and 91. Sections 36, 59, 60, 61, 62, 63, 64, 65 and 92 are Repealed.

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

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

PARK RULES AND REGULATIONS

Act 8, Public Acts of 1933, Liquor Law

M.S.A. 18.1005 Place and consumption of liquor; on public highways or in parks and places of amusement.

SECTION 34:

No alcoholic liquor:

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

Act 41, Public Acts of 1960, Curfew for Minors, As Amended by Act 20, 1972, Chapter 722, Section 722.752

An act to:

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

SECTION 1:

M.S.A. 28.342 (1) Minors under 12 years of age.

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

SECTION 2:

M.S.A. 28.342 (2) Minors under 16 years of age.

- a. 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:

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

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

Act 106, Public Acts of 1963, Littering

An act to:

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

SECTION 1:

M.S.A. 28.603 (1) Littering; public and private property.

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

SECTION 2:

M.S.A. 28.603 (2) Litter defined.

- a. The term "litter" means:
 1. All rubbish, refuse, waste, garbage, paper, glass, cans, trash, debris, or other foreign matter of every kind and description.

SECTION 3:

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

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

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

SECTION 4:

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

a. All public authorities may:

1. Post notice signs to publicize the act.
2. Establish and maintain receptacles for the deposit of litter on the property and publicize the location thereof.

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

a. Any person who makes a disturbance in any:

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

Act 218, Public Acts of 1967, Chapter 325, Sections 325.631-325.635

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.

Act 280, Public Acts of 1969, Chapter 318, Sections 318.251-318.255

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.

Act 406, Public Acts of 1919, Chapter 317, Sections 317.121-317.122

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.

REVENUE

Act 94, Public Acts of 1933, The Revenue Bond Act, As Amended by Act 294, 1966, Chapter 141, Section 141.103, As Amended by Act 253, 1968, Chapter 141, Section 141.103, As Amended by Act 79, 1969, Chapter 141, Title and Sections 141.107, 141.113 and 141.119

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.

M.S.A. 5.2733 Definitions.

a. As used in this act, "public corporation" shall mean any county, city, village, township, school district, park district, or metropolitan district or any combination thereof.

b. The term "public improvements" includes the following improvements: buildings, parks, recreational facilities, reforestation projects.

RECREATIONAL BONDS

Act 257, Public Acts of 1968, Chapter 318, Sections 318.351-318.362

An act to authorize the issuance of general obligation bonds of the state of Michigan and to pledge the full faith and credit of the state of Michigan for the payment of principal and interest thereon for public recreation facilities and grants, loans and advances to municipalities of the state for public recreation purposes and facilities, to provide for other matters relating to the bonds and the use of the proceeds of the sale of the bonds; and to provide for the submission of the question of the issuance of the bonds to the electors of the state.

SECTION 1:

(a) "Municipality" or "municipalities" means and includes any county, city, village, township, school district, metropolitan district, port district, drainage district, authority, or other governmental authority, agency or department within or of the state with power to acquire, construct or operate public recreation facilities.

(b) "Public recreation facility" means and includes the acquisition of lands and the planning, acquisition, construction, equipping and developing of programs and facilities for parks, forests and wildlife areas, fisheries and other facilities used or useful for public recreational purposes hereafter authorized by law.

SECTION 2:

The legislature determines that it is essential for the public health and safety and welfare of the residents of the state to undertake a complete program of public recreation facilities and to make grants, loans, and advances to political subdivisions of the state for such purposes.

SECTION 3:

The state shall borrow the sum of \$100 billion and issue the general obligation bonds of the state therefore pledging the faith and credit of the state for the payment of the principal and interest thereon for the purpose of providing money for public recreation facilities and for the making of grants, loans and advances to municipalities for such purposes, in accordance with conditions, methods and procedures therefore to be established by law.

SECTION 4:

The bonds shall be issued in one or more series, such series to be in such principle amount, to be

dated, to have such maturities which may be either serial, term, or term and serial, to bear interest at rates not exceeding 6% per annum, to be subject or not subject to prior redemption and if subject to prior redemption with such call premiums, to be payable at such places, to have or have not such provisions for registration as to principal only or as to both principal and interest, to be in such form and to be executed in such manner as shall be determined by resolution to be adopted by the administrative board. The administrative board may provide for the investment or reinvestment of bond sales proceeds and such other details for the bonds and security thereof as deemed necessary and advisable. The bonds or any series thereof shall not be sold for less than the par value thereof and shall be sold at public sale after publication of a notice of sale thereof in a newspaper circulating in the state, which carries as part of its regular service notices of sale of municipal bonds, at least 7 days before date fixed for sale of the bonds. The bonds prior to their issuance shall be approved by the municipal finance commission, but shall not otherwise be subject to Act 202, Public Acts of 1943, as amended.

SECTION 5:

The proceeds of sale of the bonds or any series thereof and any premium and accrued interest received on the delivery thereof shall be deposited in the state treasury in a separate account and shall be dispursed from the separate account only for the purposes for which the bond have been authorized and the expense of issuing the bonds. Proceeds of sale of the bonds shall be expended for the purposes set forth in this act in such a manner as shall be provided by law.

SECTION 6:

Bonds issued under this act shall be fully negotiable under Act 174, Public Acts of 1962, as amended, and shall along with interest thereon, be exempt from all taxation by the state or any of its political subdivisions.

SECTION 7:

Bonds issued under this act are securities in which banks, bankers, saving banks, trust companies, serving and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business and all administrators, executors, guardians, trustees and other fiduciaries may properly and legally invest any funds, including capital, belonging to them or within their control.

SECTION 8:

This section deals with the purpose of this act and states that it shall be submitted to vote of the electors of the state qualified to vote thereon at a general election. It also states the formal question on the ballot submitted to the electors.

SECTION 9:

The secretary of the state shall take such steps and perform all acts as are necessary to properly submit said question to the electors of the state qualified to vote thereunder at the general November election held on November 5, 1968.

SECTION 10:

After the issuance of the bonds authorized by this act or any series thereof, it shall be the duty of the legislature and the legislature covenants that it will each year make appropriations fully sufficient to pay promptly when due the principal of and interest on all outstanding bonds authorized by this act and all costs incidental to the payment thereof.

SECTION 11:

No bonds shall be issued under this act unless the question set forth in section 8 is approved by a majority vote of the qualified electors voting thereon at the general November election on November 5, 1968.

SECTION 12:

This act shall be finally effective at such time as the question set forth in section 8 is approved by a majority vote of the qualified electors of the state.

Act 108, Public Acts of 1969, Chapter 318, Sections 318.371-318.387

An act to implement the public recreation bond act by providing for grants, loans and advances from a part of the bond proceeds to local units of government, and for direct use of a part of the bond proceeds by the department of natural resources, in both cases for public recreational purposes.

SECTION 1: DEFINITIONS

(e) "Public recreational purpose", means a project for the acquisition of land or an interest therein, together with costs directly incidental thereto incurred by the department but not by a local unit; the preparation of site, architectural and engineering plans; and the acquisition, construction, expansion, equipment and development of facilities for parks,

recreational centers, forest and wildlife areas, waterways, fisheries and other facilities used or useful for public recreation. It does not include operation, maintenance or administration of such facilities, nor any local unit expense incurred in establishing cost or fair market value, or administration of projects nor purchase of facilities already dedicated to public recreational purposes.

SECTION 2:

The public recreation fund is created in the state treasury. The proceeds of the sale of the \$100,000,000.00 bond issue, or any series thereof, authorized by the public recreation bond act and subsequent referendum and any premium and accrued interest received on delivery thereof, shall be deposited in the public recreation fund.

SECTION 3:

(1) Thirty million dollars of the bond revenues shall be allocated to the local units to be used to initiate local community recreational projects to satisfy deficiencies in recreational facilities and to provide facilities for future recreational needs as provided in this act.

(2) Seventy million dollars of the land shall be allocated to the department of natural resources to fund the state's recreation program.

SECTION 4:

The thirty million dollars allocated to the local units is allocated to seven regions of the state on a per capita basis, determined by the most recent decennial census.

SECTION 5:

(1) During the fiscal years ending June 30, 1970, and June 30, 1971, grants to local units shall not exceed the per capita allocation defined above.

(2) After June 30, 1971, the grant money not allocated to approved projects shall be put into a regional fund from which grants may be made for any project within the region.

(3) After June 30, 1972, the grant moneys allocated to a region which have not been allocated to approved projects, shall be put into a state fund from which grants may be made for any local unit project within the state.

SECTION 6:

The department shall prescribe, publish and make available to all local units no later than November 1, 1969, the terms, conditions and procedures for the processing and approval of applications for disbursement to local units.

SECTION 7:

(1) A local unit, to obtain a grant, shall make separate application to the department for each project. Before, or concurrent with making application, and for the purpose of doing so, the legislative body of the local unit shall designate to the department its official representative and shall submit a recreational plan to the department.

The plan shall include a survey of existing facilities of the applicant local unit, including any school district facilities, state or local pertinent facilities and proposals for future expansion and the basis therefor. The plan shall take cognizance of guidelines promulgated by the department and shall define local objectives and shall determine deficiencies in facilities and assign priorities to projects required to overcome the deficiencies. Priority consideration should be given to providing facilities in areas of low income and high population density.

(2) Approval of an application shall not be made before expiration of 60 days after publication and availability of terms, conditions and procedures referred to in section 6. Approval of applications shall be made by the department on a priority of need basis, under the purpose of this act and the recreation bond act and with particular regard to: (a) the number, geographical location and income level of the people to be served by the facility, (b) the deficiency in recreational facilities for the people to be served by the facility, (c) the probable multiple use of the facility, (d) the demonstrated ability of the local unit to maintain, operate and administer the facility upon completion, (e) the accessibility to all users including the handicapped, elderly, young, deprived and low income families, and (f) interagency cooperation. The method of assigning priorities shall be approved by a majority of those elected and serving in each house by concurrent resolution.

(3) The department shall consult as to the general application of priorities to project approval with the recreation advisory committee created by section 5 of Act 326, Public Acts of 1965. In any county where the board of supervisors has established a parks and recreation department it may be resolution and concurrence of each of the incorporated municipalities within that county designate that department as the sole applicant for funds for that county.

(4) The department shall report to the legislature during the months of January and May of each year a list of local projects eligible for grants compiled in order of their assigned priority. The list shall be accompanied by estimate of total costs for the land acquisition projects and for construction projects, summarized by regions, as defined in section 4. The legis-

lature may, by concurrent resolution of a majority of those elected and serving in each house, approve or reject the list of projects, but shall not add to nor delete from or change the order of priority of the projects listed. If legislative action on the list of eligible projects is not taken within 45 days after receipt of the department's list of eligible projects, the department's list will be considered approved.

(5) An initial list of local projects eligible for grants, compiled in order of their assigned priority, shall be reported to the legislature by the department by September 10, 1969. If legislative action on the list of eligible projects is not taken within 30 days after receipt of the list, the list will be considered approved. A statement of preliminary guidelines utilized in determining eligibility and priority of these local projects shall accompany this list.

SECTION 8:

(1) Disbursement shall be made in accordance with the accounting laws of this state on certification by the department of administration and to the state treasurer.

(2) Disbursement shall be made in the form of a grant, loan or advance, or any combination.

SECTION 9:

The part of the approved cost borne by a local unit shall be known as the "local unit portion" and shall be a least 20% of the approved cost. The part of the approved cost borne by the state from the public recreation fund shall be known as the "state portion", and in no case shall exceed 80% of the total project cost. If any part of the project cost is jointly borne by federal grant, such part shall be known as the "federal portion", but in no such jointly funded project shall the amount of the state portion be such as to reduce the local portion to less than 20% of total project cost. A local unit may meet its local unit portion from public sources or private contributions and may include cash or any of the following which may be shown to be directly related to the project: (a) land or an interest therein not publicly owned, or publicly owned but not dedicated to recreation use, immediately prior to its use in meeting the local unit portion, (b) equipment made a permanent part of the facility and (c) goods and services directly rendered to the construction of the project. A local unit shall establish to the satisfaction of the department the cost or fair market value, whichever is less as of the date of the notice of approval by the department, of any of the above items with which it seeks to meet its local unit portion. Not more than 60% of the local unit portion shall be met in goods and services.

SECTION 10:

The entire local unit portion, or any part, may be financed through a loan or advance determined in accordance with the department's published terms, conditions and procedures.

Note: The rest of this section deals with the terms; repayment and security on the loans and advances.

SECTION 11:

When the department determines, but not before 1 year after the notice of approval, that reasonable progress toward the commencement and execution of an approved project has not been made, it may revoke its approval and the money approved for the project shall be immediately available for applications for local unit projects in accordance with all other provisions of this act.

SECTION 12:

No disbursement shall be made to a local unit other than for an approved project dedicated in perpetuity to public recreation. A facility shall not be sold, disposed of or converted to a use not specified in the application without express approval of the department. All projects shall be open to the general public of the state.

SECTION 13:

The department may prescribe and require the keeping of books and records for the effective administration of this act. The auditor general and state treasurer, and their authorized representatives, shall have access to the books and records.

SECTION 14:

(1) The \$70,000,000.00 to be allocated to the department for state recreation programs is to be expended as follows:

(a) \$25,000,000.00 shall be reserved for state recreation projects in or near urban areas for multiple use recreational centers and outdoor recreational activities and shall be allocated to the regions of the state, as defined in section 4. The department may enter into a contract with a local unit regarding the operation and maintenance of a facility established under the provisions of this subdivision. Under the contract, provision shall be made that the costs of

the operation and maintenance of a facility shall be borne in whole or in part by the state. Projects shall be initiated on a priority of need basis as outlined in section 7 (2) (a-f).

- (b) \$24,300,000.00 to state park projects.
- (c) \$11,700,000.00 to fisheries projects.
- (d) \$6,300,000.00 to wildlife projects.
- (e) \$2,700,000.00 to forest recreation projects.

(2) Projects shall be initiated under subdivisions (b), (c), (d) and (e) of this section on a priority of need basis with due regard to all purposes of this act and the public recreation bond act.

(3) The department shall report to the legislature in July, 1969, and January of each year thereafter, a list of state projects to be funded under the provisions of this section compiled in order of their assigned priority. The list shall be accompanied by an estimate of total cost for land acquisition projects and for construction projects, summarized by region, as defined in section 4. The legislature shall approve by law those projects that are to be constructed in each year.

SECTION 15:

The department shall annually transmit to the legislature and governor on the status of all matters relevant to this act.

SECTION 16:

In addition to the terms, conditions and procedures referred to above, the department may promulgate rules for implementation of this act in accordance with Act 88, Public Acts of 1943, as amended, and subject to Act 197, Public Acts of 1952, as amended.

SECTION 17:

This act shall become effective September 1, 1969, and the department shall make all reasonable efforts to fully implement it within 5 years thereafter. If funds allocated to either the state recreation program or the local projects are not committed within 5 years, such uncommitted funds shall then be committed to such projects as may be placed under construction or acquisition within 1 year without regard to whether they are state or local. Any funds received after September 1, 1974, in repayment of loans and advances shall be allocated only for grants to local units.

MISCELLANEOUS

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

a. Any person maintaining a slaughter-house or other place of slaughtering or killing animals or for rendering dead animals in a city or within one mile of the limits of a city or public park is guilty of a misdemeanor unless the place is adequately supplied with water, sewage, and drainage for the speedy removal of blood and other fluid refuse.

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

Act 74, Public Acts of 1968, Snowmobile Act, As Amended by Act 281, 1969, Chapter 257, As Amended by Act 178, 1971, Chapter 257, As Amended by Act 57, 1972, Chapter 257, Sections 257.1501-257.1518.

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 the 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 14 a.

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 registration and regulation act, read the Act in its entirety as cited in the Michigan Compiled Laws Annotated § 257.1501-257.1518 as amended.

Act 127, Public Acts of 1970, Chapter 691, Sections 691.1201-691.1207

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 Acts 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 reason-

able 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.

Act 231, Public Acts of 1970, Natural River Act of 1970, Chapter 281, Sections 281.761-281.776

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 platting 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 Michigan Statutes Annotated 11.501-11.516.

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