

AMENDED

CONSTABLE ORDINANCE

TOWNSHIP OF MANCELONA

COUNTY OF ANTRIM, STATE OF MICHIGAN

ORDINANCE NUMBER 9

Originally Adopted: February 16, 1998

Originally Effective: March 16, 1998

Amended: May 17, 2004

Effective: June 17, 2004

CONSTABLE ORDINANCE

An Ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the Township, enacted pursuant, but not limited to, *Michigan Public Act 246 of 1945*, as amended, and *Public Act 426 of 1976*, as amended; to restrict or limit the powers and duties prescribed by state law for township constables; to require minimum employment standards imposed by *Public Act 203 of 1965*, as amended; to establish liability for violations of the provisions of this Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

TOWNSHIP OF MANCELONA

Antrim County, Michigan

ORDAINS:

SECTION 1

TITLE

This Ordinance shall be known as the Mancelona Township Constable Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to promote and secure the public health,

safety, and general welfare of persons, property owners, and property in the Township of Mancelona, by establishing rules and regulations regarding the training to perform certain acts, and the duties of the township constable.

SECTION III

AUTHORITY OF CONSTABLES

Pursuant to authority vested in the Mancelona Township Board by *Public Act 426 of 1976 of the State of Michigan*, no elected or appointed constable of Mancelona Township shall exercise any power or assume any duty prescribed by the laws of the State of Michigan, except as follows:

A. Township constables who meet the requirements of Section IV of this Ordinance shall be authorized to serve all criminal warrants or other criminal process lawfully directed to them by the Township Board, the Township Clerk, Township Attorney, Prosecuting Attorney, or a Court.

B. Township constables shall be authorized to serve all civil notices and process lawfully directed to them by this Township Board, or the Township Clerk.

C. Township constables shall be authorized to serve any writ, process, or order lawfully directed to them in the township within the county in which this Township is situated.

D. Township constables shall be authorized to enforce all township ordinances, and to commence prosecutions for violation thereof by issuance of appearance tickets or citations.

E. Township constables shall be authorized to be ministerial officers of the District Court, and may be appointed as a District Court officer by the District Court, and may perform the duties permitted pursuant to *Chapter 83 of Act 236 of the Public Acts of 1961*, as amended, being *Sections 600.8301 to 600.8395 of the Michigan Compiled Laws*.

F. Township constables shall be authorized to attend sessions of the Circuit Court for the County of Antrim when notified for that purpose by the Sheriff of Antrim County.

G. Township constables shall be authorized, when directed by the Township Board, to perform liquor control inspections under any Liquor Control Ordinance of Manclona Township.

H. Township constables shall be authorized to perform such other duties or powers of their office when so directed by the Township Board or an elected township officer.

SECTION IV

TRAINING

A township constable shall not serve criminal warrants or other criminal process unless such township constable shall comply with the minimum employment standards established by the Law Enforcement Officer Training Council pursuant to *Section 9 of PA 203 of 1965*, as amended, being *Section 28.609 of the Michigan Compiled Laws*. A township constable shall not serve criminal warrants or other criminal process, unless such township constable shall comply with the minimum employment standards established by the Law Enforcement Officer Training Council pursuant to *Section 9 of PA 203 OF 1965*, as amended, being *Section 28.609 of the Michigan Compiled Laws*, and receive specific written authorization from the Manclona Township Board to act in that capacity. The Township Board, in its discretion, shall decide when such training is necessary, and which constable(s) shall be so trained. The cost of complying with these standards shall be borne by the Township. The employment standards of this Section shall not apply when a township constable is appointed as a District Court officer. The Township Board, in its discretion, shall decide when such training is necessary, and which constable(s) shall be so trained. The cost of complying with these standards shall be borne by the Township. The employment standards of this Section shall not apply when a township constable is appointed as a District Court officer.

SECTION V

LIABILITY

Any elected or appointed township constable who shall violate any provision of this Ordinance shall thereby assume sole responsibility and liability for any damages resulting from such action constituting said violation

SECTION VI

VALIDITY

If any section, provision, or clause of this Ordinance, or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION VII

REPEAL

All ordinances, parts of ordinances, resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed upon the effective date of this Ordinance.

SECTION VIII

EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its publication in the Antrim County News.

Dated: MAY 17, 2004



MAURICE MCGLEISH, Clerk
Mancelona Township

AMENDED CONSTABLE ORDINANCE

TOWNSHIP OF MANCELONA

COUNTY OF ANTRIM, STATE OF MICHIGAN

ORDINANCE NUMBER 9

Summary of Amendment to Ordinance Number 9, Mancelona Township Constable Ordinance, originally adopted on February 16, 1998, and amended on May 17, 2004; effective: immediately after publication. The Amendment, which is underlined below, is an addition to the language contained in Section IV - TRAINING. The entire Ordinance Number 9 is ratified as amended below. Section IV - TRAINING is amended as follows:

SECTION IV
TRAINING

A township constable shall not serve criminal warrants or other criminal process unless such township constable shall comply with the minimum employment standards established by the Law Enforcement Officer Training Council pursuant to *Section 9 of PA 203 of 1965*, as amended, being *Section 28.609 of the Michigan Compiled Laws*. A township constable shall not serve criminal warrants or other criminal process, unless such township constable shall comply with the minimum employment standards established by the Law Enforcement Officer Training Council pursuant to *Section 9 of PA 203 OF 1965*, as amended, being *Section 28.609 of the Michigan Compiled Laws*, and receive specific written authorization from the Mancelona Township Board to act in that capacity. The Township Board, in its discretion, shall decide when such training is necessary, and which constable(s) shall be so trained. The cost of complying with these standards shall be borne by the Township. The employment standards of this Section shall not apply when a township constable is appointed as a District Court officer. The Township Board, in its discretion, shall decide when such training is necessary, and which constable(s) shall be so trained. The cost of complying with these standards shall be borne by the Township. The employment standards of this Section shall not apply when a township constable is appointed as a District Court officer.

The publication of the summary of this Ordinance is intended to meet the requirements for publication as provided by law. No further publication is required or contemplated. This summary is not exhaustive of all provisions and requirements of the Ordinance. A true and complete copy of the Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk, 202 W. State St., Mancelona, Michigan, 49659.

Dated: May 17, 2004


MAURICE MCGLEISH, Clerk
Mancelona Township