

Michigan Township **INSIGHTS**

Weekly News and Information from the Michigan Townships Association | Nov. 16, 2018

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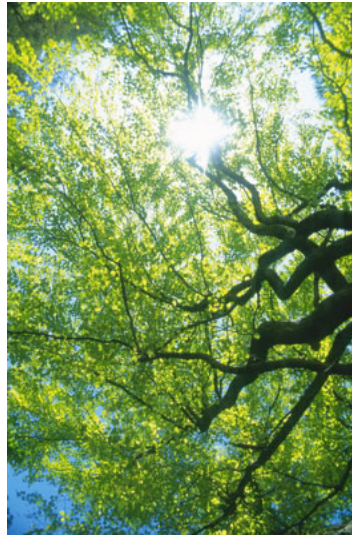
Tree and vegetation ordinances | Foster care facilities | Public assembly inspections | MTA 'Townships and Marijuana Regulation' guidance

LEGISLATIVE UPDATE

Township tree, vegetation ordinances preempted under bills

Townships would have no authority over the removal of most trees--or any kind of vegetation--on non-residential property under a package of bills (SBs 1188-1194) awaiting consideration.

The lead bill, [SB 1188](#), sponsored by Sen. Tom Casperson (R-Wells Twp.), would create a new act banning local units from creating or enforcing ordinances that prohibit, require approval for, or in any way restrict trimming, felling or removal of any vegetation on private property that's zoned for agriculture, business, commercial or industrial. Ordinances also could not require mitigation, including planting trees or other vegetation or paying a fee for trimming, felling or removing any vegetation. The only exception to these requirements would be heritage trees, defined as 18 different species with certain trunk diameters. If your township already has an existing ordinance, it would be rendered void if these bills take effect. SBs 1189-1194 would amend various local government acts and the Zoning Enabling Act to clarify that each act would be subject to the new vegetation removal preemption act. The bills were introduced in response to a tree removal issue in Wayne County where a property owner removed more than 1,400 trees without a permit. However, the bills as introduced would apply to all vegetation, including grass, weeds, brush and berms. Additionally, the bills would apply retroactively to ordinance violations since July 1, 2017, meaning that while townships would not be required to reimburse fees collected since then, they would be forced to stop attempting to enforce ordinance violations since that date. MTA strongly opposes these bills and plans to testify against them when they are taken up in the Senate Natural Resources Committee on Wednesday, Nov. 28.



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MTA QUICK LINKS

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[Answer Center](#)
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[Store](#)
[Publications Catalog](#)
[Township Governance](#)
[Academy](#)
[Allied Service Providers](#)
[NATaT](#)

UPCOMING

MTA EVENTS

**[Township Finances](#)
**[Land Use: Defining Your Township's Future](#)
**[New Officials Training](#)

ALLIED SERVICE PROVIDERS



Bill increases number of residents in

* [Bauckham, Sparks, Thall, Seeber & Kaufman, PC](#)

some child foster care facilities without local approval

A bill introduced in the Senate would allow more residents to live in a child foster care facility, as long as it's located on a 20-acre or larger lot. [SB 1184](#), sponsored by Sen. Dave Robertson (R-Grand Blanc Chtr. Twp.), could soon be considered in the Senate Families, Seniors and Human Services Committee. Currently, state-licensed child foster care facilities are limited to six or fewer residents under 24-hour care. SB 1184 was introduced to pave the way for a facility in an Oakland County township—which has already granted the facility a variance. If enacted, the bill would preempt local units and allow facilities located on at least 20 acres to house 10 or fewer individuals.

[* BS&A Software](#)

[* Consumers Energy](#)

[* DTE Energy](#)

[* Fahey Schultz Burzych Rhodes PLC](#)

[* Foster, Swift, Collins & Smith, P.C.](#)

[* ITC Holdings Corp.](#)

[* Rosati, Schultz, Joppich & Amtsbuechler, P.C.](#)

[* Mika Meyers, PLC](#)

[* Willis Towers Watson](#)

Townships could take over public assembly inspections under bill



Under current law, the state Bureau of Fire Services is required to inspect all places of public assembly to ensure they are up to code. However, based on audits of the bureau, this has not occurred. A bill being considered in the Senate could shift this responsibility to the municipality instead. [SB 1173](#), sponsored by Sen. Rick Jones (R-Oneida Chtr. Twp.), is expected to be considered by the Senate Judiciary Committee after Thanksgiving. If enacted, townships could either

conduct annual inspections themselves or contract with another municipality, fire authority, certified public assembly fire inspector or the county in which it's located. This new responsibility would mean local units could establish and charge a fee for inspections; however, the fee could not exceed the actual cost of providing the inspection. Municipalities would also have the option to adopt an ordinance transferring the responsibility for administration and enforcement of inspections to the Bureau of Fire Service. The bureau would track the inspections and certificates issued, and if a municipality failed to meet requirements, the bureau could assume responsibility. MTA has not yet taken a position on this bill but has discussed concerns with the bureau.



Your most burning marijuana questions answered in new MTA Q&A

Wondering what the recent legalization of recreational marijuana means for your township? MTA has prepared a document answering the most common questions about Proposal 2018-1, which voters approved Nov. 6, as well as all things medical marijuana. Once the proposal takes effect—10 days after the election results are certified (which must be done by Nov. 26), adults over 21 may use, possess and grow a certain amount of marijuana in their homes. The state has a year to establish a new regulatory system, at which point potential marijuana establishments may apply for licenses. Local governments that do not want licensed recreational marijuana establishments must adopt an ordinance to "opt out" in order to prohibit them in their jurisdiction; a municipality may also limit the number of licensed facilities if they choose not to opt out. Any such ordinances are subject to referendum. If your township does not have a prohibiting ordinance, the state will issue a license to qualifying recreational marijuana facilities wishing to locate there. The Q&A document is accessible to MTA members on our Answer Center marijuana page. You may find this page by logging into the [MTA website](#) and clicking on the "M" section of the Answer Center, or by typing

"marijuana" into the search bar. In addition to the Q&A document, MTA has a sample opt-out [ordinance](#) your township may adopt if desired. Anyone with questions may contact our Member Information Services Department at (517) 321-6467.

MTA office to be closed for Thanksgiving

The MTA office will be closed Thursday and Friday, Nov. 22 and 23, in observance of the Thanksgiving holiday, and *Township Insights* will not be published next week. Normal office hours will resume Monday, Nov. 26. We wish everyone a safe and happy Thanksgiving.

Federal update for week of Nov. 13

Check out the National Association of Towns and Townships' [e-newsletter](#) for an update of federal actions impacting townships.

Tune in to this week's *Township Talk*

Don't miss this week's [episode](#) of our *Township Talk* podcast, "Help! Our public participation policy needs work!" with MTA Executive Director Larry Merrill.

MTA Connection blog

Read this week's *MTA Connection* [blog](#), where MTA Member Information Services Director Michael Selden describes his U.P. adventure for MTA *On the Road* seminars.

ADDITIONAL NEWS YOU CAN USE

Got new officials? Keep MTA up to date!

Did your township board welcome any new officials following the Nov. 6 election? You can help make sure that these newly elected board members hit the ground running by taking a few simple steps:

1. **Tell MTA who your new officials are!** Let us know the names and contact information for any newly elected officials. This ensures that your new board members will receive important MTA information and resources. Send updated information to MTA at (517) 321-6467, fax to (517) 321-8908 or email elsa@michigantownships.org. The township clerk can also make adjustments to the township's individuals' profile information (after logging in www.michigantownships.org, access under "My Profile" under the "My MTA" tab). Current member officials can also update their own profiles online.
2. **Register them for MTA's [New Officials Training](#) class in December!** These invaluable sessions are targeted to share what new officials need to know now to immediately be a successfully contributing member of your township board.

MTA has the tools and information to help your new officials get started off right. Let us help your township--and all its elected officials--serve your constituents in the best manner possible.

Workshops examine financial oversight, land use fundamentals

Join MTA in Mt. Pleasant on Nov. 28 and learn how you can achieve greater control over the township's financial position. [Township Finances](#) will explore the board's role in budgeting, early warning signs of financial problems and more! On Nov. 29, we'll offer practical techniques for making sound [Land Use](#) decisions. Learn how to balance property rights with public interest, gain a deeper understanding of your township's master plan and review emerging land use issues. Download registration materials [here](#) or register online [now](#).