

**PITTSFIELD CHARTER TOWNSHIP**  
**WASHTENAW COUNTY, MICHIGAN**  
**ORDINANCE No. 296**  
**POLICE SERVICE CONTRACTS AND**  
**AUXILIARY POLICE FORCE**

**SECOND READING**  
**November 9, 2011**

AMENDING CHAPTER 22 PUBLIC SAFETY, ARTICLE II, POLICE DEPARTMENT,  
AND ARTICLE III, REQUEST FOR POLICE SERVICES

AN ORDINANCE TO AMEND THE PUBLIC SAFETY ORDINANCE TO BE IN ACCORDANCE WITH CURRENT DEPARTMENTAL ORGANIZATION, PROVIDE DIRECTOR OF PUBLIC SAFETY AUTHORITY TO ADD AN AUXILIARY POLICE FORCE, AND REVISE PROCEDURES FOR REQUEST FOR POLICE SERVICES.

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN, HEREBY ORDAINS:

That Chapter 22, Public Safety of the Pittsfield Charter Township Code is hereby amended by revising Article 2, Police Department, Sections 22-31 through 22-43 and Article 3, Request for Police Services, Sections 22-76 through 22-200 as follows:

**ARTICLE 2 - POLICE DEPARTMENT**

**22-31. – Police Force**

Created. There is hereby created a police force (the "police department"). The Township Supervisor is authorized to appoint, subject to the approval of the Township Board, a Director of Public Safety, and such police officers as may be required to protect property and preserve the public welfare and safety within the Township, including auxiliary officers, part-time officers, animal control officers and other police officers having special or limited assigned duties. It shall be the duty of the Township Supervisor to see that all laws and Township ordinances are enforced.

(b) Powers and duties of Director. Subject to the powers vested in the Township Supervisor and the Township Board, the police department shall operate under the command of the Director of Public Safety. Subject to the approval of the Township Board, the Director of Public Safety, who may also be called the Chief of Police, shall:

(1) Be responsible for the proper and efficient operation and maintenance of the department and proper law enforcement.

(2) Make and establish rules and regulations for the government of the department, its employees, officers and detectives, and for the care and management of the motor vehicles, equipment,

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property and buildings pertaining to the department, and for the prescribing of the powers and duties of such employees, officers and detectives.

(3) Recommend and administer an administrative policy for the selection and hiring of police officers and other personnel of the department.

(4) Administer discipline to all members and employees of the department, including the right to suspend and/or terminate. Any disciplinary action by the Director of Public Safety may be appealed to the Township Supervisor, and the Supervisor's action in turn may be appealed to the Township Board, whose decision shall be final. The taking of any such appeal shall not stay the disciplinary action taken; but if the appeal is successful, the member or employee shall be reinstated and compensated for such periods of lost time as shall be found to be unwarranted. Such discipline shall be administered in accordance with the terms of any collective bargaining agreement that applies.

(5) Create the chain of command within the department.

(6) The Chief may appoint and delegate such of his authority as he shall deem proper to any other officer of the department, to be exercised in the event of his temporary absence or inability to exercise his or her authority.

(c) Acting Director. In the Director of Public Safety shall become incapacitated to perform the duties of his position, in the opinion of the Supervisor, the Supervisor shall so certify in writing to the Township Clerk, and may then appoint an acting Director of Public Safety, subject to the approval of the Township Board, whose appointment shall cease upon formal action of the Township Board, or written certification by the Township Supervisor to the Township Clerk.

(Ord. No. 114, § 2, eff. 3-22-1979; Ord. No. 149, § 1, eff. 7-14-1982)

Sec. 22-32. - Powers of the police department.

Subject to the powers vested in the Township Supervisor and the Township Board and the provisions of law, the members of the police department shall have power and it shall be their duty to:

- (1) Suppress all riots, disturbances and breaches of the peace;
- (2) Enforce the laws of the state and the ordinances of the Township;

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- (3) Arrest any person found in the act of violating the laws of the state, or the ordinances of the Township, and to take such persons before the proper officer or magistrate for punishment;
- (4) Make complaints against persons known or believed by them to be guilty of having violated such laws or ordinances;
- (5) Arrest all persons fleeing from justice; and
- (6) Serve and execute all process directed or delivered to them in proceedings for the violation of the ordinances of the Township or laws of the state.

They are hereby vested within the limits of the Township, with all the powers conferred by law upon sheriffs and constables for the preservation of quiet and good order and the enforcement of law. They shall have all the powers of sheriffs to make arrests of persons who have committed or who are suspected of having committed any crime or misdemeanor within the Township or who shall have escaped from the custody of the police department; and they shall have power to pursue, arrest and detain without the Township limits any such person as permitted by law. The Township Board shall have the authority to vest the police department with such additional powers as may be necessary for the good government and order of the Township.

(Ord. No. 114, § 3, eff. 3-22-1979; Ord. No. 149, eff. 7-14-1982)

Sec. 22-33. - Departmental rules.

- (a) The Director of Public Safety shall promulgate, subject to the approval of the Township Board, all necessary rules for the government of the department and its members. Such rules and regulations shall be entered in an appropriate book of the department. Rules and regulations may be so prescribed by incorporating by reference any provision of state law or any official or unofficial standard code, rules and regulations and orders, including those that are or have been prescribed or adopted by a law enforcement department or agency of the federal or state government or governmental unit, provided that such shall be clearly identified in the prescribing rules and regulations and a copy entered into the department book.
- (b) The rules and regulations shall include by reference the minimum standards for law enforcement officers as adopted by the state law enforcement officers training council in accordance with Public Act No.203, 1965(MCL 28.601 et seq., MSA 4.450(1) et seq.), as

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amended, provided that additional employment standards not in conflict with that act may be included.

- (c) The rules and regulations shall include the disciplinary action, and the procedure that may be taken against any member of the department charged with any violation of the department rules and regulations.

(Ord. No. 114, § 4, eff. 3-22-1979; Ord. No. 149, eff. 7-14-1982)

Sec. 22-34. - Monthly reports.

The Director of Public Safety shall report monthly to the Township Supervisor all arrests made and appearance tickets issued by the police department and shall provide other information as the Supervisor may require. A monthly report summary of police activities shall be presented to the Township Board by the Director of Public Safety or his designated representative.

(Ord. No. 114, § 5, eff. 3-22-1979)

Sec. 22-35. - Equipment.

Equipment shall be issued to police officers as the Director of Public Safety shall deem necessary to enable them to carry out their duties described in this article. Such equipment may include badges, identification cards, whistles and firearms. The Director of Public Safety shall designate the uniform to be worn by all officers of the department.

(Ord. No. 114, § 8, eff. 3-22-1979; Ord. No. 149, eff. 7-14-1982)

Sec. 22-37. - Oath of police officers.

Prior to the commencement of duties set forth in this article, the Township Clerk shall administer to each police officer an oath of office by which such police officer shall undertake the duties and to observe the limitations set forth in this article and to abide by the police department rules and regulations.

(Ord. No. 114, § 7, eff. 3-22-1979)

Sec. 22-38. - Training.

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All police officers must maintain certifications required by law and proficiencies in law enforcement related fields as specified in the police department rules and regulations. (Ord. No. 114, § 9, eff. 3-22-1979)

Sec. 22-39. - Standards for employment.

Employment of police officers must conform with lawful standards adopted by the Michigan Commission on Law Enforcement Standards (or its successor agency/department). The Board of Trustees may adopt additional hiring standards upon the recommendation of the Director of Public Safety.

Sec. 22-40. – Functions.

The police work of the Township shall consist of the following functions:

- (1) The operation of the motor units or foot patrol for routine investigations and the general maintenance of law and order.
- (2) The maintenance of the central complaint desk at police headquarters, the maintaining and supervising of police records, criminal and noncriminal identification, property identification, custody of property and the operation of detention quarters.
- (3) The investigation of crimes, elimination of illegal liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of the ordinances of the Township.
- (4) The prevention and control of juvenile delinquency, the removal of crime hazards and the coordination of community agencies interested in crime prevention.
- (5) The control of traffic, traffic education programs, school patrols, and coordination of traffic violation prosecutions.

(Ord. No. 114, § 11, eff. 3-22-1979)

Sec. 22-41. - Custody and disposition of lost, abandoned or unclaimed property.

The police department shall dispose of lost, abandoned or unclaimed property in accordance with state law.

(Ord. No. 114, § 12, eff. 3-22-1979; Ord. No. 149, eff. 7-14-1982)

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Sec. 22-43. - Auxiliary police force.

The Director of Public Safety may hereby establish an auxiliary police force of the Township, which shall be a division of and administered by the police department and shall consist of such members as may be determined by the Director, provided sufficient funds are available in the police department budget. Prior to the commencement of service, each auxiliary officer shall take an oath of office administered by the Township Clerk, by which such auxiliary officer shall swear to undertake the duties and to observe the limitations set forth in this article and to abide by the department rules and regulations. The equipment, training, qualifications and duties of auxiliary police officers shall be set forth in a departmental regulation promulgated by the Director of Public Safety. The auxiliary force may be identified or named as determined from time to time by the Director and Supervisor. The Township shall provide auxiliary police officers with Worker's Compensation and Liability Insurance, and other benefits and compensation as may be provided by resolution of the Township Board.

(Ord. No. 114, § 14, eff. 3-22-1979; Ord. No. 149, eff. 7-14-1982)

Secs. 22-44—22-75. - Reserved.

**ARTICLE III. - REQUEST FOR POLICE SERVICES**

Sec. 22-76. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Director* means the person appointed by the Township Board to oversee the daily operations of the police department.

*Person* means an individual, sole proprietorship, partnership, corporation, association, municipality, this state, any instrumentality or agency of this state, the federal government, or any instrumentality or agency of the federal government, or other legal entity.

*Police department* means the Pittsfield Charter Township Police Department.

*Police service* means "emergency police service," which means those services requested by a property owner, which service is in addition to the services normally rendered to similarly zoned properties.

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*Property* means a geographical area in the Township in which police service is requested to be performed.

*Requestor* means a person (as defined in this Article) requesting police services in addition to or supplemental to those provided by the police department in the normal course of business.

*Township* means those areas within the Township that are not within the corporate limits of another municipality.

*Township board* means the Pittsfield Charter Township Board of Trustees.

(Ord. No. 211, § 2, eff. 6-11-1996)

Sec. 22-77. - Procedure.

(a) A person who desires to have police service may submit to the Police Department a written request, signed by an owner or lawful occupant of the property, or their duly authorized agent, requesting police service. The request shall provide the following information:

- (1) The name and address of each person who has a fee interest in the property.
- (2) The commonly known address of the property.
- (3) The reason for requesting police service.
- (4) The type of police service, i.e., number of police officers, hours, special equipment, etc., being requested.
- (5) Such other and further information as the Township deems necessary or proper to evaluate the request.

(b) Except when directed otherwise by resolution of the Township Board, the Director is authorized to enter into contracts for police services under this Article. Prior to granting or denying the request, the Director (or designee) shall consider the following factors:

- (1) The need for the police services requested.

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- (2) The type of police services that would effectively meet the needs of the Requestor, the owner, or persons occupying or coming upon the property.
- (3) The duration such police service should be provided.
- (4) The cost the Township would incur to provide the service.
- (5) The conditions under which police services should be provided.
- (6) Such other and further analysis as the Director deems necessary or proper to approve or deny the request.

After evaluating the request, the Director (or designee), shall grant or deny the request. In granting the request the Director may place conditions upon the rendering of such police service that are reasonable to effect the police service, protect the condition of the property, health, safety and welfare of persons who own, occupy or come upon the property, and to charge to the Requestor the costs incurred by the Township to provide the police service.

(Ord. No. 211, § 3, eff. 6-11-1996)

Sec. 22-78. — Service fee and contract.

- (a) In approving a request, the Director may establish a fee for the police service in an amount to pay the Township for the costs it will incur to provide the service to include personnel, equipment, administration and processing the request.
- (b) The conditions under which the police service will be provided shall be embodied in a written document approved and subscribed to by the Township Supervisor, the Township Clerk, the Director, and the Requestor, or an authorized representative. The document shall provide for the rendering of police service, describe the property or location where services are to be directed, specify the duration of such services, cost and manner of payment for the services, and such other provisions as are mutually agreed to by the Director and the Requestor.

Sec. 22-79 Severability.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by a court with

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competent jurisdiction, it shall not affect any other portion of the Ordinance, except that part or portion affected by the court's decision.

Sec. 22-80 Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

Section 22-81:Publication and Effective Date

This Ordinance shall be published in the manner as required by law. This ordinance shall take effect the day after the first publication of the ordinance (MCL 41.184).

Secs. 21-82 —22-100. - Reserved

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This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2011, and was ordered given publication in the manner required by law.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk  
Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor  
Dated: \_\_\_\_\_, 2011

First Reading: \_\_\_\_\_  
Posting of Notice: \_\_\_\_\_  
Publication of Notice: \_\_\_\_\_  
Adoption: \_\_\_\_\_  
Ordinance Publication: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

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**CLERK'S CERTIFICATE**

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 296, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on \_\_\_\_\_, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held \_\_\_\_\_, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Member \_\_\_\_\_ moved for adoption of said Ordinance, and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said Ordinance \_\_\_\_\_, and that the following Members voted against

adoption of said Ordinance \_\_\_\_\_, and that the following Members were absent or abstained from voting on the adoption of said Ordinance \_\_\_\_\_.

I further certify that after its passage the Ordinance was published on \_\_\_\_\_, 2011, in accordance with P.A. 359 of 1947, as amended, by \_\_\_\_\_

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

\_\_\_\_\_  
Alan Israel  
Charter Township of Pittsfield Clerk

Dated: \_\_\_\_\_, 2011

\_\_\_\_\_  
Mandy Grewal  
Charter Township of Pittsfield Supervisor

Dated: \_\_\_\_\_, 2011

Effective Date: \_\_\_\_\_, 2011