Chapter 7: Michigan Municipal Law

By Eric Kennedy, Law Librarian, Cooley Law School
(Feb 2015)

This chapter describes basic forms of Michigan local government, their organizational structure, and lists print and Internet resources relating to local municipal law. It is not intended to be a comprehensive treatment of Michigan municipal law nor to be a complete list of all municipal or county information resources in the state. Rather, the chapter will discuss how local governments operate in general in Michigan, the types of information they produce, where the information is located and how to find it.

Overview – Creation of Municipal Law and Enabling Acts

Municipalities are responsible for providing basic services that impact the daily lives of the citizens residing within them. Thus, the charters, codes, and ordinances by which they are governed, and which set forth laws concerning everything from noise, trash, building permits and uses to traffic violations, are at the heart of some of the most typical information requests made by self-represented litigants.

Michigan “municipalities” consist of cities, villages and townships. Counties are usually included under this legal rubric, sometimes also termed “local government law” in research materials. The authority both to develop and to govern these entities flows from the Michigan Constitution and state legislation. Municipalities, for example, derive their governing authority from Article 7 of the Michigan Constitution of 1963, while enabling statutes provide for the legislative and administrative power under which the entity manages its daily affairs.

Constitutional and Statutory Basis of Michigan Local Government Units

Cities, Villages, Townships, Counties

Cities- Mich Const 1963, art 7, section 22
Prior to 1909, cities were incorporated by local act of the Michigan Legislature with the Act providing structure, powers, immunities, rights, and obligations under which the city would function. The Home Rule City Act, MCL 117.1 et seq., now provides for incorporation and relatively comprehensive governing authority. The HRC Act and other state laws, in conjunction with the Michigan Constitution, define the powers of and restrictions on city governments.
**Villages** – Mich Const 1963, art 7, section 22

Subject to certain limitations and restrictions of the State Constitution, villages are also granted certain powers by general state laws. Villages are part of the township in which they are located. Residents are electors of the village and the township for county, state and federal elections.

There are two forms of village government, the general law village, MCL 61.1 *et seq*, and the charter village, MCL 78.1 *et seq*.

**Townships** – Mich Const 1963, art 7, section 17

Historically recognized as separate municipal entity under the State Constitution. General laws of the state give townships specific powers and limitations. They have jurisdiction over villages within their boundaries.

There are two forms of township government, the general law township, MCL 41.1a *et seq*, and the charter township, MCL 42.1 *et seq*.

**Counties** – Mich Const 1963, art 7, section 8

Recognized as a municipal corporation that performs delegated state functions, a county is political subdivision that derives its responsibilities and powers from the State. It is the largest unit of government besides the State. It is responsible for criminal justice, civil and criminal court functions, record keeping, tax assessment, road construction and maintenance.

There are three forms of county government in Michigan: the general law county, MCL 45.1 *et seq*; the charter county, MCL 45.501 *et seq*, and the optional unified form of county government, MCL 45.551 *et seq*.

For a more detailed discussion of all forms of Michigan government and the powers and functions that have been delegated to them, see


To find the materials cited on the Michigan Legislature website at [http://legislature.migov](http://legislature.migov), type in the initial statutory section in the *MCL Search* box or use the *Chapter Index* link on the left side of the page to browse.

**Governing Documents**

The basic laws of a local government municipality can be found in its charter. Similar to our state constitution, a municipal charter explains the powers and duties of local government branches and departments. Voters within a city, township, or county approve of and adopt the charter. Charters are sometimes published in bound volumes, newsprint, or are available electronically via municipality websites.
Local ordinances are the laws enacted by the city council, the county commissioners or the township board. Like statutes and regulations that are passed at the state level, ordinances have binding authority on the citizens and businesses within that jurisdiction. They are the local laws that cities, counties and townships adopt to create rules addressing matters of local concern. Ordinances cover a wide range of issues, including buildings, roads, traffic violations, public safety or nuisance and even pets. Depending on the size of the municipality, ordinances are sometimes published in bound volumes, the local newspaper and/or electronically. They are usually then arranged by subject and compiled in a municipal code, much like laws passed by the state legislature that subsequently codified into the Michigan Compiled Laws.

Municipal codes contain ordinances that are in force at the time of their publication. Codes are subdivided by titles, chapters and articles, depending on the jurisdiction. Each section of the code is numbered, and at the end of the section there is usually a note referencing which ordinance either created or amended the code section. There are electronic versions of charters and codes for most municipalities in the United States. Few are published in print any longer, except those from larger cities. Although print versions are not as current as those on the Internet, they do have indexes and sometimes a table of contents that can be useful for finding specific sections.

Some municipalities publish public safety or construction codes for building, fire, electrical, mechanical, and plumbing as part of their municipal code. Public safety codes are generally written and made available for a fee by professional organizations like the National Fire Prevention Association, the International Code Council (ICC) and Underwriters Laboratories.

Planning and zoning involves dividing the real property within a city or county into areas or zones where size and use restrictions are determined for the buildings within them. Planners are responsible for creating an area’s master plan, zoning ordinance, subdivision ordinance and zoning maps. The master plan guides development of a region and the zoning ordinance contains the regulations and standards for use of land and buildings inside the community. Enacted by city council, the zoning ordinance includes maps and outlines district boundaries. These documents are available to the public at the city, county or township clerk’s office. Like municipal codes, master plans and zoning ordinances are appearing more and more online.

Locating Municipal Law

Whether published online or in print, municipal codes and local ordinances are usually available from the city, township, or county clerk’s office in hard copy. Print copies of codes and ordinances can also be found in some public, municipal, state, county, and law school library collections. Some local government websites provide access to their municipal ordinances, but most are made available through various code publishing companies. The Municipal Code Corporation’s Municode website offers free access to many city and county ordinances. American Legal Publishing Corporation’s page also provides links to selected charters and codes for free. American Law Sources Online also provides free access to current municipal and county codes for many local governments around the country.
Municode uses a search engine interface where the user can browse the table of contents of charters or codes and then link to relevant sections. It also has a keyword search option to search full or selected text within a charter or code. The American Legal Publishing Corporation’s website features an advance option to search for exact phrases, exclude terms, search using alternative terms, or to search for words that are near each other. Similar to Google, Westlaw, and Lexis, some code publisher websites allow you to truncate search terms to pick up all the possible ways a word may end. Municode highlights search terms to show exactly where a word appears in a document.

The Library of Michigan has collected published copies of older local ordinances, municipal codes and charters, but it is by no means a comprehensive collection. To determine if a copy is available, check the Library of Michigan’s ANSWER catalog at [http://www.answercat.org](http://www.answercat.org).

Copies of public safety codes are usually available from the local government office that oversees building projects. Many larger public libraries also try to maintain current copies of some of the most heavily-used titles. The State Law Library may have copies of older building codes and attempts to keep the most frequently used titles up-to-date (building use only). The Michigan Bureau of Construction Codes can address questions on public safety codes, see [http://www.michigan.gov/bcc](http://www.michigan.gov/bcc).

The increasing cost of these codes and their underlying technical standards has served as an impetus for local communities to try to join together to make the materials available to the public and local officials on a regional basis. Check with your local building department for more information. Law.resource.org ([http://law.resource.org](http://law.resource.org)) is a nonprofit organization that attempts to put many of the codes on its website at no cost to the viewer. The publication of these codes online has been a controversial issue, however, and those who consult them should probably also check with local building departments to determine that an approved version is being used. The CMD Group has reference and contact information for the building codes of large cities, some counties, and all 50 states on the Resource Center section of its website at [http://www.cmdgroup.com](http://www.cmdgroup.com).

Here is a checklist of resources for municipal materials in print:

1. Public or Municipal Library
2. City clerk
3. County clerk or Commissioner’s office
4. Zoning department
5. City, village or Township websites
6. Law libraries
7. Library of Michigan  (limited collection of older statutes and charters)

**Online sources** for codes, ordinances, charters, as well as some secondary materials on municipal issues include:

Links to the official website for Michigan cities and townships [http://citytown.info/Michigan.htm](http://citytown.info/Michigan.htm)
Local Governments and Politics - University of Michigan Documents Center
http://www-personal.umich.edu/~graceyor/govdocs/pslocal.html

Michigan eLibrary – Government and Legal Gateways
http://www.mel.org/government
http://www.mel.org/legal

Michigan Municipal League
http://www.mml.org/home.html

Michigan Township Association
http://www.michigantownships.org/

Michigan Association of Counties
www.micounties.org
Map of Michigan to link to county websites

**Municipal Code Websites-Nationwide**

Online Municipal Code Library
www.municode.com

American Legal Publishing’s Code Library
http://www.amlegal.com/library/

ecode360’s access to city codes across the nation
http://www.generalcode.com/codification/ecode/library

Justia City websites and city codes nationwide
https://www.justia.com/
Go to US Law, then the individual state, for example: http://law.justia.com/michigan/cities

American Law Sources Online
http://www.lawsource.com/also
See individual states for information

Guide to State and Local Public Safety Codes
https://law.resource.org

Building Codes – CMD Group
http://www.cmdgroup.com/building-codes

**Directories** can also become important in researching municipal issues, and local officials may be able to provide, in general terms, citations to ordinances or code provisions.

**Carroll Publishing County Directory** – Contact information for all counties in the US. Directory includes personnel locator number, county demographics, county seat,
address, fax number, council members, elected officials, and directors of county departments.

**Carrol Publishing Municipal Directory** – Comprehensive municipal directory of more than 51,000 appointed and career officials from across the country. Covers over 7500 cities, towns, and villages.

**Directory of Michigan Municipal Officials** – Lists contact information for Michigan community leaders. Has the phone number, address, and demographic figures for each community as well as the names of state and US representatives.

**Directory of Michigan Township Officials**

**Municipal Staff Directory** – Contact data and biographies of city officials and staff. Current numbers on population, county, form of government, elections, revenue and expenses, and number of city government employees. Updated twice each year.

---

**The Michigan Freedom of Information and Open Meetings Acts**

Quite often, as a patron's matter becomes more and more involved, that person will seek information held by a government office that is not readily available online or through the local library, yet is still considered under Michigan law to be a public record. Some patrons may also wish to obtain more detail about government operations. Every citizen in Michigan has a right to know what government officials are doing. The Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 et seq (FOIA), gives citizens the right to obtain copies of the records of state and local government units, and the Michigan Open Meetings Act, 1976 PA 267, MCL 15.261 et seq (OMA) allows them to publicly view how state and local government officials make decisions.

The text of these laws may be read on the Michigan Legislature website at [http://legislature.mi.gov](http://legislature.mi.gov). For materials that help to explain how these laws work, see the Michigan Attorney General’s Office provides a summary of FOIA and OMA provisions at [http://www.michigan.gov/ag/0,4534,7-164-20988_18160---,00.html](http://www.michigan.gov/ag/0,4534,7-164-20988_18160---,00.html). Private law firms specializing municipal law also sometimes provide an outline of the statutes as well as updates when there have been amendments, see for example, [http://www.fosterswift.com/services-Freedom-of-Information-Act.html](http://www.fosterswift.com/services-Freedom-of-Information-Act.html). Also, in terms of FOIA, the website of the government body holding the information will itself be likely to have forms or contact information for the FOIA coordinator posted on its website.

---

**Researching Municipal Legal Issues**

Beyond locating copies of legal documents, or primary resources, research into legal issues involving municipalities often benefits from locating secondary source material, that is, material
that summarizes or interprets the primary documents. The resources below may help a patron to understand the background of questions for which he is trying to find answers. Also, because the authority of municipalities and counties is derived from the Michigan Constitution, secondary resources that discuss state and federal constitutional issues are often of great assistance in helping the patron to understand the bigger picture behind the situation.

A law library or one that has legal resources as part of the collection may contain secondary resources in print that provide a comprehensive background and overview of the powers of local governments. Loose-leaf and/or multi-volume sets that receive periodic updating are useful in understanding the legal issues relative to local governments. Some of the topics they cover are the formation of local governments, the limits on local government authority, public officers and employees, local government finances, taxes, utilities, zoning, eminent domain, planning, the regulation of business and citizens within the municipality and local government liability. Summaries or references to important cases that interpret various municipal code sections can be found in state case digests, legal encyclopedias, annotated statute sets, subject specific treatises, general reference handbooks and citators.

Many of the references here are discussed in greater detail in the chapters on legal research and Michigan legal research. Also, see the Directory of Michigan Law Libraries for a list of law libraries that may hold these materials, http://www.michigan.gov/lawlibrary, or http://www.mel.org/legal. As noted previously, these materials are generally building use only, so your patron will have to visit that library to use them. Materials may also be located through MeLCat, see http://www.mel.org.

**Michigan Reference Materials**

**Michigan Digest** – a case law digest that summarizes opinions from Michigan state and federal courts on all areas of law, including municipal and constitutional law. A digest contains references to cases that interpret ordinances or charters. The Michigan Digest allows a researcher to search for cases by name or subject. Topical outlines afford the researcher a broad view of the topic, and then permit him or her to narrow the search to a particular issue or point of law.

**Michigan Civil Jurisprudence** – a state-specific legal encyclopedia that provides a general overview of Michigan legal topics. Use the index located at the end of the set to find chapters or sections related to counties, municipal corporations, townships, cities or villages.

**Michigan Compiled Laws Annotated** (West Publishing) and **Michigan Compiled Laws Supplement** (Lexis) - “MCLA” and “MCLS” each contain the text of the Michigan Compiled Laws – the official compilation of Michigan state statutes - but are annotated with summaries of cases that relate to specific statutory sections. The case notes, references to encyclopedias, journal and law review articles, all help to explain statutory intent. Check the index for topics such as “counties, townships, charter townships, cities, villages, and municipalities.”
General Reference

Local and Regional Government Information: How to Find It, How to Use It – A reference book that provides a blueprint on how to find and use local government information. It explains how local governments are organized, the types of documents they produce, and how to access and use that information.

Local Government Law – From the West Publishing Hornbook series, this book is geared more toward law school students. It is well-footnoted and has substantial references to cases.

Local Government Law in a Nutshell – Although not a scholarly work or an exhaustive subject specific treatise for faculty or practitioners, this Nutshell series is very useful in providing an overview of the key issues regarding local government.

Shepard’s Ordinance Laws Annotations – a multivolume publication known as a “citator” that provides summaries of cases that interpret city and county ordinances from jurisdictions across the U.S. Contains an index and is updated by pocket parts and supplements.

Michigan Guides and Treatises on Local Government Law

Michigan Municipal Law (cited above) – published by the Institute of Continuing Legal Education with input from the Michigan Municipal League and the Michigan Association of Municipal Attorneys, this book analyzes the various legal issues that affect local governments. Focuses on sunshine laws, local finance, ordinance drafting and enforcement.

Jae, John, ed., Local Government Law and Practice in Michigan (Michigan Municipal League, Michigan Association of Municipal Attorneys, 2007) – a two volume reference work on local government law for Michigan attorneys. Chapters are updated periodically and new chapters are added over time. This resource addresses the various issues facing Michigan local municipalities. Well annotated with Michigan case and statutory references.

Bauckham, John H., Authorities and Responsibilities of Michigan Township Officials, Boards and Commissions (2008) - Bauckham, the state’s foremost authority on township law, has served as legal counsel to the Michigan Township Association since its inception in 1953. The intent of this softbound monograph is to provide township officials with an easy reference tool to use as they perform their day to day functions.
Legal Treatises on Municipal and Local Government Law

Antieau on Local Government Law (LexisNexis/Bender) – Now in its second edition, this multi-volume loose-leaf treatise is newly revised and completely updated. It provides a current perspective on municipal corporations and local government entities.

McQuillin, Eugene, The Law of Municipal Corporations. Also known as “McQuillin’s” or “Municipal Corporations” (West/Thomson Reuters) – expert coverage of everything municipal law. Uses a decimal numbering system for access to materials within its 20 volumes. Provides federal and local case annotations by jurisdiction and assistance in conducting complex litigation. Has both official and parallel citations and detailed footnotes.

Zoning and Land Use Controls (LexisNexis/Bender) – An eleven volume loose-leaf set focusing on government regulation of land at the local level. One of the largest and most comprehensive sets on land use controls.

Additional Resources and Chapter References

Martin, Mary, ed., Local and Regional Government Information, How to Find It, How to Use It (Westpost, CN: Greenwood Press, 2005)

Olson, Kent C. Legal Information, How to Find It, How to Use It (Phoenix, AZ: Oryx Press, 1999).
