

Village of Lake Isabella
1010 Clubhouse Drive
Lake Isabella, MI, 48893

Resolution 2008-08

- Whereas;** the Village of Lake Isabella is an incorporated Home Rule Village under the public acts of the State of Michigan; and,
- Whereas;** the Village of Lake Isabella is empowered under the Home Rule Village to adopt “police power” ordinances to protect life and property inside of the Village’s incorporated boundaries; and,
- Whereas;** the discharge of firearms, and other dangerous weapons, inside the incorporated boundaries of the Village is a threat to life and property inside the Village, and the overall quality of life; and,
- Whereas;** the Village has requested assistance and approval from the Michigan Department of Natural Resources to regulate this issue in accordance with the Village’s police powers; and,
- Whereas;** the Michigan Department of Natural Resources has officially stated that the only statutory authority to regulate the discharge of firearms and dangerous weapons is vested in their jurisdiction under MCL 324.41901; and,
- Whereas;** the Department of Natural Resources has denied the Village’s request to regulate this matter, and threatened to arrest any Village official or employee who attempts to enforce a Village ordinance that regulates the discharge of firearms or other dangerous weapons inside of the Village’s incorporated boundaries; and,
- Whereas;** the Attorney General of Michigan has ruled via opinions 4741 and 5960 that counties and townships lack the statutory authority to regulate the discharge of firearms and other dangerous weapons within their boundaries; and,
- Whereas;** the Michigan Supreme Court has ruled via the case of *Czyzbor Timber, Inc. vs. The City of Saginaw, Michigan Supreme Court Case 130672*, that cities have the right to enact ordinances which regulate the discharge of firearms and other dangerous weapons within their incorporated boundaries; and,
- Whereas;** the City of Saginaw is a Home Rule City under Public Act 279 of 1909, and the Village of Lake Isabella is a Home Rule Village under Public Act 278 of 1909; and,
- Whereas;** the statutory provisions of the Home Rule City and Home Rule Village act are essentially identical; and,
- Whereas;** the courts and Michigan Attorney General are silent on whether a Village, whether Home Rule or General Law, has the statutory authority identical to a home rule city to enact and enforce a local ordinance regulating the discharge of firearms and other dangerous weapons; and,

Now therefore be it resolved;

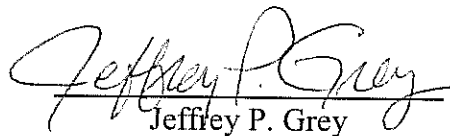
The Village of Lake Isabella hereby formally requests that State Senator Alan Cropsey request an official opinion from the Michigan Attorney General on behalf of the Village to the following question:

Does a home rule village have the statutory authority to enact and enforce a local ordinance regulating the discharge of firearms and other dangerous weapons inside of its incorporated boundaries?

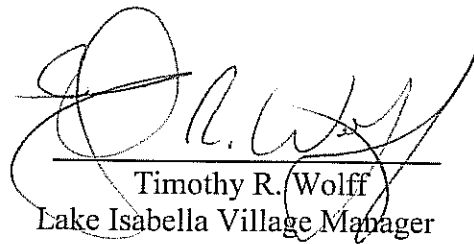
I, Jeffrey P. Grey, the duly qualified and acting Clerk of the Village of Lake Isabella, Isabella County, Michigan (the "Village") do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Village Council at a meeting held on April 15, 2008, the original of which is on file in the Village Office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267 of the Public Acts of Michigan of 1976, as amended.

4/15/08

Date



Jeffrey P. Grey
Lake Isabella Village Clerk



Timothy R. Wolff
Lake Isabella Village Manager