



Municipal Law Refresher: The "Equal Dignity" Doctrine

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Foster Swift Municipal Law News

January 2013

Municipalities often put great care and effort into deciding whether to amend their zoning or regulatory ordinances. While the substance of those amendments is important, so too is the form of the amendments. A municipality's amendments may be invalid if they are not properly adopted.

Michigan law is clear that "an ordinance or resolution cannot be amended, repealed, or suspended by another act by a council of less dignity than the ordinance or resolution itself." *McCarthy v Village of Marcellus*; *City of Saginaw v Consumers Power Co.* This "equal dignity" doctrine means that **an ordinance can only be amended by an ordinance, not by a resolution or motion**, because resolutions and motions are acts of less "dignity" than an ordinance. See *Risk v Lincoln Charter Twp. Bd. of Trustees*.

The Michigan Zoning Enabling Act further makes clear that "[a]mendments or supplements to the zoning ordinance **shall be adopted in the same manner** as provided under this act for the adoption of the original ordinance." MCL 125.3202. That is, a zoning ordinance (including any zoning map) must be amended by ordinance, not resolution or motion.

Given the clarity of the law, municipalities should be sure that any ordinance amendments – whether to regulatory ordinances, zoning ordinances, or zoning maps – are accomplished by adopting a new ordinance. The ordinance amending the existing ordinance should be adopted consistent with applicable law, such as the Michigan Zoning Enabling Act or Michigan Charter Township Act.

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