The apparent answer is that the maximum population limitation of 250,000 has no "reasonable relation to the purpose of the statute." Instead, by imposing the minimum limitation of 180,000 together with the maximum of 250,000, § 2(a) was so limited as to be applicable at the time of its adoption by 1927 PA 310 to only Kent County. Furthermore, the imposition of such maximum limitation has the effect of excluding from the operation of the act those counties to which the same would be applicable were population a logical basis for classification. For those reasons and upon the basis of the above-cited authorities, I am of the opinion that § 2(a) is not a general act and, therefore, contravenes art 4, § 29 of the Michigan Constitution. Inasmuch as § 2(a) is unconstitutional, consideration of the specific questions presented relative to the operation and effect thereof becomes unnecessary.

FRANK J. KELLEY,
*Attorney General.*

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**TOWNSHIPS: Authority to charge for fire protection service call.**

**A township is without authority to charge for fire service protection calls.**

Opinion No. 4768 April 20, 1973.

Honorable Roy L. Spencer
State Representative
The Capitol
Lansing, Michigan 48901

This office is in receipt of your letter which presented the following questions:

1. Can a township impose a specific charge on an individual or corporation for a fire service call within said township?
2. By what legal authority and under what circumstances may a township that either has its own fire department or contracts for fire control services from some other unit of government impose or collect a fee for fire control services from an individual or corporation?

Townships have such powers as are conferred by law. *Hanslovsky v Township of Leland*, 281 Mich 652 (1937). It is my opinion that a township cannot impose a specific charge on an individual or corporation for a fire service call within a township. Although 1945 PA 246, § 1, MCLA 41.181; MSA 5.45(1), empowers a township to enact ordinances which concern:

> ". . . regulating the public health, safety and general welfare of persons and property, fire protection . . . ."

such does not provide authority to charge for a fire protection service call.

The means by which a township may finance fire protection service is limited by law to appropriations from general and contingent funds or by

special assessment. 1951 PA 33, as amended, MCLA 41.801 *et seq;* MSA 5.2640(1) *et seq,* concerns townships and fire protection. Section 1 of 1951 PA 33, being MCLA 41.801; MSA 5.2640(1), provides that:

> "The township board of any township, or adjoining townships, acting jointly, whether or not such townships are located in the same county, may purchase fire extinguishing apparatus and equipment and housing for the same, and for that purpose may provide by resolution for the appropriation of general or contingent funds in an amount which in any one year shall not exceed 10 mills of the assessed valuation of the area in their respective townships for which fire protection is to be furnished.
>
> "The township board of any township, or adjoining townships, acting jointly, whether or not such townships are located in the same county, may also provide annually by resolution for the appropriation of general or contingent funds for the purpose of maintenance and operation of a fire department, or for the providing of fire protection by contract.
>
> "The township board or boards acting jointly may provide that all or any part of the aforesaid sums for purchasing and housing of equipment or the operation thereof or *contracting for protection may be defrayed by special assessment on all of the lands and premises in said township or townships to be benefited thereby, and may issue bonds in anticipation of the collection of said special assessments.*
>
> "The question of raising money by special assessment may be submitted to the electors of the affected area in the township or townships by the township board, or township boards acting jointly, and shall be submitted by the township board or township boards acting jointly on the filing of a petition so requesting, signed by at least 10% of the owners of the land in each of the affected townships, to be made into such a special assessment district, at any general election or special election called for that purpose by the township board or township boards acting jointly. No such special assessment district shall be created unless approved by a majority vote of the electors voting on the question at such an election.
>
> ". . . The assessment shall be spread and shall become due and be collected at the same time as other township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment. In the event that the collections received from such special assessment so levied to defray the cost or portion intended to be defrayed thereby of the fire protection shall be, at any time, insufficient to meet the obligations or expenses incurred for the maintenance and operation of the fire department, the township board of the township, or townships acting jointly, may, by resolution, authorize the transfer or loan of sufficient money therefor from the general fund of the township or townships, to said special assessment for department fund, the same to be repaid to the general fund of the township or townships out of special assessment funds when collected." (Emphasis supplied)

It is my opinion that a township is without authority to charge for fire service protection calls.

The answer to your first question makes an answer to your second question unnecessary.

FRANK J. KELLEY,
*Attorney General.*

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**MOTOR VEHICLES: Permissible use of flashing warning lights by motorcycles.**

**Where warning lights are to be installed on motorcycles, the Michigan Vehicle Code requires the use of two such lights mounted at the same level and as widely spaced laterally as possible; a single light cannot meet this requirement.**

Opinion No. 4764 April 25, 1973.

Honorable Robert VanderLaan
State Senator
The Capitol
Lansing, Michigan 48901

You have requested upon behalf of a constituent issuance of my opinion upon the question:

> "Is it a violation of state law for a motorcycle to be equipped and the operator use a 'warning light' which would flash once per second, the duration of each flash lasting about 1/10 of a second and which would be visible to traffic in front of the motorcycle?"

The pertinent statutory provisions are contained in 1949 PA 300, the Michigan vehicle code, MCLA 257.1 *et seq;* MSA 9.1801 *et seq.* A motorcycle is one type of a motor vehicle and, therefore, is included within the meaning of the latter term as used in the code. Sections 31 and 33. Likewise, a motorcycle is included within the meaning of the term "vehicle" as used therein. Section 79. With respect to the required head lamp with which a motorcycle is required to be equipped, § 685 differentiates and specifies in subsection (b):

> "Every motorcycle and every motor driven cycle shall be equipped with at least 1 and not more than 2 head lamps which shall comply with the requirements and limitations of this chapter."

The sections following § 685 contain provisions for certain auxiliary driving lamps with which a motor vehicle is either authorized or required to be equipped. In II OAG 1955-56, No 2845, p 682, it was held quoting the syllabus:

> "Flasher lights may not be used on any motor vehicle driven or moved on a public highway of this state except as permitted by law."

In OAG 1961-62, No 3627, p 144, it was held, *inter alia,* quoting from the syllabus:

> "The use of red flashing turn indicators, either singly or in pairs, on