

Act No. 20
Public Acts of 1994
Approved by the Governor
February 23, 1994
Filed with the Secretary of State
February 24, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Conroy

ENROLLED SENATE BILL No. 739

AN ACT to amend the title of Act No 293 of the Public Acts of 1966 entitled as amended An act to provide for the establishment of charter counties to provide for the election of charter commissioners to prescribe their powers and duties to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission and to prescribe the mandatory and permissive provisions of a charter as amended being sections 45 501 to 45 521 of the Michigan Compiled Laws and to add section 15a

The People of the State of Michigan enact

Section 1 The title of Act No 293 of the Public Acts of 1966 as amended being sections 45 501 to 45 521 of the Michigan Compiled Laws is amended and section 15a is added to read as follows

TITLE

An act to provide for the establishment of charter counties to provide for the election of charter commissioners to prescribe their powers and duties to prohibit certain acts of a county board of commissioners after the approval of the election of a charter commission to prescribe the mandatory and permissive provisions of a charter and to provide for the exercise by a charter county of certain powers whether or not authorized by its charter

Sec 15a (1) Consistent with Act No 58 of the Public Acts of 1945 being section 46 201 of the Michigan Compiled Laws and whether or not authorized by the county charter the county board of commissioners of a county established under this act may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation

(2) Consistent with the marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws and whether or not authorized by the county charter the county board of commissioners may adopt an ordinance that designates a violation of the ordinance as a marine law civil infraction and provides a civil fine for that violation This subsection does not apply unless House Bill No 4639 of the 87th Legislature is enacted into law

(3) Whether or not authorized by the county charter the county board of commissioners may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation An ordinance may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (1) or as a marine law civil infraction under subsection (2) A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction

(4) An ordinance shall not make an act or omission a municipal civil infraction if that act or omission constitutes a crime under any of the following

(a) Article 7 or section 17766a of the public health code Act No 368 of the Public Acts of 1978 being sections 333 7101 to 333 7545 and 333 17766a of the Michigan Compiled Laws

(b) The Michigan penal code Act No 328 of the Public Acts of 1931 being sections 750 1 to 750 568 of the Michigan Compiled Laws

(c) The Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(d) The Michigan liquor control act Act No 8 of the Public Acts of the Extra Session of 1933 being sections 436 1 to 436 58 of the Michigan Compiled Laws

(e) The marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws

(f) The aeronautics code of the state of Michigan Act No 327 of the Public Acts of 1945 being sections 259 1 to 259 208 of the Michigan Compiled Laws

(g) Act No 74 of the Public Acts of 1968 being sections 257 1501 to 257 1518 of the Michigan Compiled Laws

(h) Act No 319 of the Public Acts of 1975 being sections 257 1601 to 257 1626 of the Michigan Compiled Laws

(i) Act No 4 of the Public Acts of 1986 being sections 470 201 to 470 210 of the Michigan Compiled Laws

(j) Any law of this state under which the act or omission is punishable by imprisonment for more than 90 days

Section 2 This amendatory act shall take effect May 1 1994

Section 3 This amendatory act shall not take effect unless Senate Bill No 731 of the 87th Legislature is enacted into law

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor