



HOUSE BILL No. 5658

June 21 1994 Introduced by Reps Goschka Vorva Fitzgerald Brackenridge Johnson Cropsey Horton Dalman London Voorhees Hammerstrom Sikkema Dobb Hill Nye Walberg Dobronski Profit Martinez Yokich Gire Weeks Clack Porreca and Mathieu and referred to the Committee on Local Government

A bill to amend section 2 of chapter VI of Act No 3 of the Public Acts of 1895 entitled as amended

An act to provide for the incorporation of villages to define their powers and duties to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto to define the application of this act and provide for its amendment by villages subject thereto and to validate prior amendments and certain prior actions taken and bonds issued by villages

as amended by Act No 16 of the Public Acts of 1994 being section 66 2 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 2 of chapter VI of Act No 3 of the
2 Public Acts of 1895 as amended by Act No 16 of the Public Acts
3 of 1994, being section 66 2 of the Michigan Compiled Laws, is
4 amended to read as follows

CHAPTER VI

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Sec 2 (1) Except as otherwise provided in this act, the council of a village authorized to pass an ordinance may prescribe a sanction for a violation of the ordinance If a sanction is prescribed, it shall be prescribed in the ordinance

(2) Consistent with any of the following statutes, the village council may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation

(a) 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

(b) Act No 235 of the Public Acts of 1969 being sections 257 941 to 257 943 of the Michigan Compiled Laws

(c) Act No 62 of the Public Acts of 1956 being sections 257 951 to 257 954 of the Michigan Compiled Laws

(3) 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, the village council 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

(4) The village council 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

1 that violation may be designated as a civil infraction under
2 subsection (2) or as a marine law civil infraction under
3 subsection (3) A statute may provide that a violation of a spe-
4 cific type of ordinance is a municipal civil infraction whether
5 or not the ordinance designates the violation as a municipal
6 civil infraction

7 (5) An ordinance shall not make an act or omission a municipi-
8 pal civil infraction if that act or omission constitutes a crime
9 under any of the following

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

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

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

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

22 (e) The marine safety act, Act No 303 of the Public Acts of
23 1967, being sections 281 1001 to 281 1199 of the Michigan
24 Compiled Laws

25 (f) The aeronautics code of the state of Michigan, Act
26 No 327 of the Public Acts of 1945, being sections 259 1 to
27 259 208 of the Michigan Compiled Laws

1 (g) THE MICHIGAN SNOWMOBILE ACT Act No 74 of the Public
2 Acts of 1968, being sections 257 1501 to 257 1518 of the Michigan
3 Compiled Laws

4 (h) Act No 319 of the Public Acts of 1975 being sections
5 257 1601 to 257 1626 of the Michigan Compiled Laws

6 (i) SECTION 353, 355, OR 357 OF THE RAILROAD CODE OF 1993,
7 Act No ~~4~~ 354 of the Public Acts of ~~1986~~ 1993 being sec-
8 tions ~~470 201 to 470 210~~ 462 353 462 355, AND 462 357 of the
9 Michigan Compiled Laws

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

12 (6) An ordinance not described in subsection (2) (3) or
13 (4) may provide that a ~~person who violates the ordinance is~~
14 ~~subject to either or both, of the following~~ (a) Punishment
15 VIOLATION OF THE ORDINANCE IS PUNISHABLE by imprisonment for not
16 more than 90 days or by a fine of not more than \$500 00 or
17 both ~~(b) Payment of court costs~~ HOWEVER, THE ORDINANCE MAY
18 PROVIDE THAT A VIOLATION OF THE ORDINANCE IS PUNISHABLE BY
19 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
20 \$500 00 OR BOTH IF EITHER OF THE FOLLOWING APPLIES

21 (A) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
22 UNDER SECTION 81(2), 131(3)(A)(i) OR 356D OF THE MICHIGAN PENAL
23 CODE, ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
24 750 81 750 131, AND 750 356D OF THE MICHIGAN COMPILED LAWS

25 (B) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
26 UNDER SECTION 300A(1)(A) OF ACT NO 328 OF THE PUBLIC ACTS OF
27 1931, BEING SECTION 750 300A OF THE MICHIGAN COMPILED LAWS AND

1 THE DEFENDANT DOES NOT HAVE A PRIOR CONVICTION FOR A VIOLATION OF
2 SECTION 300A OF ACT NO 328 OF THE PUBLIC ACTS OF 1931