



# HOUSE BILL No. 5286

October 25, 1995, Introduced by Rep. Sikkema and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 21 of Act No. 359 of the Public Acts of 1947, entitled "The charter township act," as amended by Act No. 13 of the Public Acts of 1994, being section 42.21 of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 21 of Act No. 359 of the Public Acts of  
2 1947, as amended by Act No. 13 of the Public Acts of 1994, being  
3 section 42.21 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 21. (1) The township board shall provide in each  
6 ordinance a sanction for violation of the ordinance.

7 (2) Consistent with any of the following statutes, the  
8 township board may adopt an ordinance that designates a violation

1 of the ordinance as a civil infraction and provides a civil fine  
2 for that violation:

3 (a) The Michigan vehicle code, Act No. 300 of the Public  
4 Acts of 1949, being sections 257.1 to 257.923 of the Michigan  
5 Compiled Laws.

6 (b) Act No. 235 of the Public Acts of 1969, being  
7 section; 257.941 to 257.943 of the Michigan Compiled Laws.

8 (c) Act No. 62 of the Public Acts of 1956, being  
9 sections 257.951 to 257.954 of the Michigan Compiled Laws.

10 ~~(3) Consistent with the marine safety act, Act No. 303 of~~  
11 ~~the Public Acts of 1967, being sections 281.1001 to 281.1199 of~~  
12 ~~the Michigan Compiled Laws, the township board may adopt an ordi-~~  
13 ~~nance that designates a violation of the ordinance as a marine~~  
14 ~~law civil infraction and provides a civil fine for that~~  
15 ~~violation. This subsection does not apply unless House Bill~~  
16 ~~No. 4639 of the 87th Legislature is enacted into law.~~

17 (3) ~~(4)~~ The township board may adopt an ordinance that  
18 designates a violation of the ordinance as a municipal civil  
19 infraction and provides a civil fine for that violation. An  
20 ordinance may not designate a violation as a municipal civil  
21 infraction if that violation may be designated as a civil infrac-  
22 tion under subsection (2). ~~or as a marine law civil infraction~~  
23 ~~under subsection (3).~~ A statute may provide that a violation of  
24 a specific type of ordinance is a municipal civil infraction  
25 whether or not the ordinance designates the violation as a munic-  
26 ipal civil infraction.

1 (4) ~~(5)~~ An ordinance shall not make an act or omission a  
2 municipal civil infraction if that act or omission constitutes a  
3 crime under any of the following:

4 (a) Article 7 or section 17766a of the public health code,  
5 Act No. 368 of the Public Acts of 1978, being sections 333.7101  
6 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

7 (b) The Michigan penal code, Act No. 328 of the Public Acts  
8 of 1931, being sections 750.1 to 750.568 of the Michigan Compiled  
9 Laws.

10 (c) ~~The Michigan vehicle code,~~ Act No. 300 of the Public  
11 Acts of 1949, being sections 257.1 to 257.923 of the Michigan  
12 Compiled Laws.

13 (d) The Michigan liquor control act, Act No. 8 of the Public  
14 Acts of the Extra Session of 1933, being sections 436.1 to 436.58  
15 of the Michigan Compiled Laws.

16 (e) ~~The marine safety act, Act No. 303 of the Public Acts~~  
17 ~~of 1967, being sections 281.1001 to 281.1199~~ PART 801 (MARINE  
18 SAFETY) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION  
19 ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTIONS  
20 324.80101 TO 324.80199 of the Michigan Compiled Laws.

21 (f) The aeronautics code of the state of Michigan, Act  
22 No. 327 of the Public Acts of 1945, being sections 259.1 to  
23 259.208 of the Michigan Compiled Laws.

24 (g) ~~Act No. 74 of the Public Acts of 1968, being~~  
25 ~~sections 257.1501 to to 257.1518~~ PART 821 (SNOWMOBILES) OF ACT  
26 NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTIONS 324.82101 TO  
27 324.82159 of the Michigan Compiled Laws.

1 (h) ~~Act No. 319 of the Public Acts of 1975, being~~  
2 ~~sections 257.1601 to 257.1626~~ PART 811 (OFF-ROAD RECREATION  
3 VEHICLES) OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SEC-  
4 TIONS 324.81101 TO 324.81150 of the Michigan Compiled Laws.

5 (i) ~~Act No. 4 of the Public Acts of 1986, being~~  
6 ~~sections 470.201 to 470.210~~ SECTIONS 351 TO 365 OF THE RAILROAD  
7 CODE OF 1993, ACT NO. 354 OF THE PUBLIC ACTS OF 1993, BEING SEC-  
8 TIONS 462.351 TO 462.365 of the Michigan Compiled Laws.

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

11 (5) ~~(6)~~ For an ordinance not described in subsection (2)  
12 ~~,~~ OR (3), ~~or (4),~~ punishment for a violation of the ordinance  
13 shall not exceed a fine of \$500.00, or imprisonment for 90 days,  
14 or both, in the discretion of the court.

15 (6) ~~(7)~~ Fines collected for the violation of the ordi-  
16 nances of a charter township shall be distributed as provided in  
17 section 8379 of the revised judicature act of 1961, Act No. 236  
18 of the Public Acts of 1961, being section 600.8379 of the  
19 Michigan Compiled Laws.