



HOUSE BILL No. 5287

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

A bill to amend section 15a 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; 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,"

as added by Act No. 20 of the Public Acts of 1994, being section 45.515a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 15a of Act No. 293 of the Public Acts of
2 1966, as added by Act No. 20 of the Public Acts of 1994, being
3 section 45.515a of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 15a. (1) Consistent with Act No. 58 of the Public Acts
2 of 1945, being section 46.201 of the Michigan Compiled Laws, and
3 whether or not authorized by the county charter, the county board
4 of commissioners of a county established under this act may adopt
5 an ordinance that designates a violation of the ordinance as a
6 civil infraction and provides a civil fine for that violation.

7 ~~(2) Consistent with the marine safety act, Act No. 303 of~~
8 ~~the Public Acts of 1967, being sections 281.1001 to 281.1199 of~~
9 ~~the Michigan Compiled Laws, and whether or not authorized by the~~
10 ~~county charter, the county board of commissioners may adopt an~~
11 ~~ordinance that designates a violation of the ordinance as a~~
12 ~~marine law civil infraction and provides a civil fine for that~~
13 ~~violation. This subsection does not apply unless House Bill~~
14 ~~No. 4639 of the 87th Legislature is enacted into law.~~

15 (2) ~~(3)~~ Whether or not authorized by the the county
16 charter, the county board of commissioners may adopt an ordinance
17 that designates a violation of the ordinance as a municipal civil
18 infraction and provides a civil fine for that violation. An
19 ordinance may not designate a violation as a municipal civil
20 infraction if that violation may be designated as a civil infrac-
21 tion under subsection (1). ~~or as a marine law civil infraction~~
22 ~~under subsection (2).~~ A statute may provide that a violation of
23 a specific type of ordinance is a municipal civil infraction
24 whether or not the ordinance designates the violation as a munic-
25 ipal civil infraction.

1 (3) ~~-(4)-~~ 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 sections~~
25 ~~257.1501 to 257.1518~~ PART 821 (SNOWMOBILES) OF ACT NO. 451 OF
26 THE PUBLIC ACTS OF 1994, BEING SECTIONS 324.82101 TO 324.82159 of
27 the Michigan Compiled Laws.

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

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