



HOUSE BILL No. 5290

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

A bill to amend section 10b of Act No. 156 of the Public Acts of 1851, entitled as amended

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

as added by Act No. 18 of the Public Acts of 1994, being section 46.10b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 10b of Act No. 156 of the Public Acts of
2 1851, as added by Act No. 18 of the Public Acts of 1994, being
3 section 46.10b of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 10b. (1) Except for an ordinance described in
6 subsection (2) ~~, OR (3), or (4),~~ the violation of an
7 ordinance adopted pursuant to section 11(m) shall be punishable

1 by a fine of not more than \$500.00 or imprisonment for not more
2 than 90 days, or both.

3 (2) Consistent with Act No. 58 of the Public Acts of 1945,
4 being section 46.201 of the Michigan Compiled Laws, the county
5 board of commissioners may adopt an ordinance that designates a
6 violation of the ordinance as a civil infraction and provides a
7 civil fine for that violation.

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

15 (3) ~~(4)~~ The county board of commissioners may adopt an
16 ordinance that designates a violation of the ordinance as a
17 municipal civil infraction and provides a civil fine for that
18 violation. An ordinance may not designate a violation as a
19 municipal civil infraction if that violation may be designated as
20 a civil infraction under subsection (2). ~~or as a marine law~~
21 ~~civil infraction under subsection (3).~~ A statute may provide
22 that a violation of a specific type of ordinance is a municipal
23 civil infraction whether or not the ordinance designates the vio-
24 lation as a municipal civil infraction.

25 (4) ~~(5)~~ An ordinance shall not make an act or omission a
26 municipal civil infraction if that act or omission constitutes a
27 crime under any of the following:

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

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

7 (c) The Michigan vehicle code, Act No. 300 of the Public
8 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
9 Compiled Laws.

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

13 (e) ~~The marine safety act, Act No. 383 of the Public Acts~~
14 ~~of 1967, being sections 281.1001 to 281.1199~~ PART 801 (MARINE
15 SAFETY) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION
16 ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTIONS
17 324.80101 TO 324.80199 of the Michigan Compiled Laws.

18 (f) The aeronautics code of the state of Michigan, Act
19 No. 327 of the Public Acts of 1945, being sections 259.1 to
20 259.208 of the Michigan Compiled Laws.

21 (g) ~~Act No. 74 of the Public Acts of 1968, being sections~~
22 ~~257.1501 to 257.1518~~ PART 821 (SNOWMOBILES) OF ACT NO. 451 OF
23 THE PUBLIC ACTS OF 1994, BEING SECTIONS 324.82101 TO 324.82159 of
24 the Michigan Compiled Laws.

25 (h) ~~Act No. 319 of the Public Acts of 1975, being sections~~
26 ~~257.1601 to 257.1626~~ PART 811 (OFF-ROAD RECREATION VEHICLES) OF

1 ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SECTIONS 324.81101
2 TO 324.81150 of the Michigan Compiled Laws.

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

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