



HOUSE BILL No. 5291

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

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

"The general law village act,"

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 Act No. 3 of the Public Acts of
2 1895, as amended by Act No. 16 of the Public Acts of 1994, being
3 section 66.2 of the Michigan Compiled Laws, is amended to read as
4 follows:

5 Sec. 2. (1) Except as otherwise provided in this act, the
6 council of a village authorized to pass an ordinance may pre-
7 scribe a sanction for a violation of the ordinance. If a
8 sanction is prescribed, it shall be prescribed in the ordinance.

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

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

8 (b) Act No. 235 of the Public Acts of 1969, being
9 sections 257.941 to 257.943 of the Michigan Compiled Laws.

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

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

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

1 whether or not the ordinance designates the violation as a
2 municipal civil infraction.

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

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

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

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

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

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

24 (f) The aeronautics code of the state of Michigan, Act
25 No. 327 of the Public Acts of 1945, being sections 259.1 to
26 259.208 of the Michigan Compiled Laws.

1 (g) ~~Act No. 74 of the Public Acts of 1968, being sections~~
2 ~~257.1501 to 257.1518 of the Michigan Compiled Laws.~~ PART 821
3 (SNOWMOBILES) OF ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING
4 SECTIONS 324.82101 TO 324.82159 OF THE MICHIGAN COMPILED LAWS.

5 (h) ~~Act No. 319 of the Public Acts of 1975, being sections~~
6 ~~257.1601 to 257.1626 of the Michigan Compiled Laws.~~ PART 811
7 (OFF-ROAD RECREATION VEHICLES) OF ACT NO. 451 OF THE PUBLIC ACTS
8 OF 1994, BEING SECTIONS 324.81101 TO 324.81150 OF THE MICHIGAN
9 COMPILED LAWS.

10 (i) ~~Act No. 4 of the Public Acts of 1986, being sections~~
11 ~~470.201 to 470.210 of the Michigan Compiled Laws.~~ SECTIONS 351
12 TO 365 OF THE RAILROAD CODE OF 1993, ACT NO. 354 OF THE PUBLIC
13 ACTS OF 1993, BEING SECTIONS 462.351 TO 462.365 OF THE MICHIGAN
14 COMPILED LAWS.

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

17 (5) ~~(6)~~ An ordinance not described in subsection (2) ~~—~~
18 OR (3) ~~, or (4)~~ may provide that a person who violates the
19 ordinance is subject to either, or both, of the following:

20 (a) Punishment by imprisonment for not more than 90 days or
21 by a fine of not more than \$500.00, or both.

22 (b) Payment of court costs.