



HOUSE BILL No. 5835

May 1, 1996, Introduced by Reps. Brackenridge and Gubow and referred to the Committee on Local Government.

A bill to amend section 3 of Act No. 246 of the Public Acts of 1945, entitled as amended

"An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,"

as amended by Act No. 34 of the Public Acts of 1996, being section 41.183 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 246 of the Public Acts of
2 1945, as amended by Act No. 34 of the Public Acts of 1996, being
3 section 41.183 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 3. (1) The township board may provide in a township
2 ordinance a sanction for violation of the ordinance.

3 (2) Consistent with any of the following statutes, the town-
4 ship board may adopt an ordinance that designates a violation of
5 the ordinance as a civil infraction and provides a civil fine for
6 that violation:

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

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

14 (3) CONSISTENT WITH PART 801 (MARINE SAFETY) OF THE NATURAL
15 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE
16 PUBLIC ACTS OF 1994, BEING SECTIONS 324.80101 TO 324.80199 OF THE
17 MICHIGAN COMPILED LAWS, THE TOWNSHIP BOARD MAY ADOPT AN ORDINANCE
18 THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A STATE CIVIL
19 INFRACTION AND PROVIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR
20 THAT VIOLATION.

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

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

3 (5) ~~(4)~~ 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) Act No. 300 of the Public Acts of 1949, being sections
13 257.1 to 257.923 of the Michigan Compiled Laws.

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

17 (e) Part 801 (marine safety), Act No. 451 of the Public Acts
18 of 1994, being sections 324.80101 to 324.80199 of the Michigan
19 Compiled Laws.

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

23 (g) Part 821 (snowmobiles) of the natural resources and
24 environmental protection act, Act No. 451 of the Public Acts of
25 1994, being sections 324.82101 to 324.82159 of the Michigan
26 Compiled Laws.

1 (h) Part 811 (off-road recreation vehicles) of Act No. 451
2 of the Public Acts of 1994, being sections 324.81101 to 324.81150
3 of the Michigan Compiled Laws.

4 (i) Sections 351 to 365 of the railroad code of 1993, Act
5 No. 354 of the Public Acts of 1993, being sections 462.351 to
6 462.365 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.

9 (6) ~~(5)~~ An ordinance not described in subsection (2), ~~or~~
10 (3), OR (4) may provide a penalty for violation of the ordinance
11 consisting of a fine not exceeding \$500.00 or imprisonment not
12 exceeding 90 days, or both. An action for the violation of a
13 township ordinance shall be instituted in the district court,
14 unless the person alleged to have violated the ordinance admits
15 responsibility at a parking violations bureau or municipal ordi-
16 nance violation bureau as otherwise provided and authorized by
17 law. Fines and costs imposed or assessed in such an action shall
18 be distributed in accordance with section 8379 of the revised
19 judicature act of 1961, Act No. 236 of the Public Acts of 1961,
20 being section 600.8379 of the Michigan Compiled Laws.

21 Section 2. This amendatory act shall not take effect unless
22 House Bill No. 4507 of the 88th Legislature is enacted into law.