



HOUSE BILL No. 5836

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

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. 36 of the Public Acts of 1996, 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. 36 of the Public Acts of 1996, 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 ordi-
6 nance 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 sections 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 PART 801 (MARINE SAFETY) OF THE NATURAL
11 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE
12 PUBLIC ACTS OF 1994, BEING SECTIONS 324.80101 TO 324.80199 OF THE
13 MICHIGAN COMPILED LAWS, THE TOWNSHIP BOARD MAY ADOPT AN ORDINANCE
14 THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A STATE CIVIL
15 INFRACTION AND PROVIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR
16 THAT VIOLATION.

17 (4) ~~(3)~~ 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). A statute may provide that a viola-
23 tion of a specific type of ordinance is a municipal civil infrac-
24 tion whether or not the ordinance designates the violation as a
25 municipal civil infraction.

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

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

15 (e) Part 801 (marine safety) of the natural resources and
16 environmental protection act, Act No. 451 of the Public Acts of
17 1994, being sections 324.80101 to 324.80199 of the Michigan
18 Compiled Laws.

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

22 (g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts
23 of 1994, being sections 324.82101 to 324.82159 of the Michigan
24 Compiled Laws.

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

1 (i) Sections 351 to 365 of the railroad code of 1993, Act
2 No. 354 of the Public Acts of 1993, being sections 462.351 to
3 462.365 of the Michigan Compiled Laws.

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

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

10 (7) ~~(6)~~ Fines collected for the violation of the ordi-
11 nances of a charter township shall be distributed as provided in
12 section 8379 of the revised judicature act of 1961, Act No. 236
13 of the Public Acts of 1961, being section 600.8379 of the
14 Michigan Compiled Laws.

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