



# HOUSE BILL No. 5837

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

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. 41 of the Public Acts of 1996, 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. 41 of the Public Acts of 1996, 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 PART 801 (MARINE SAFETY) OF THE NATURAL  
13 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE  
14 PUBLIC ACTS OF 1994, BEING SECTIONS 324.80101 TO 324.80199 OF THE  
15 MICHIGAN COMPILED LAWS, THE VILLAGE COUNCIL MAY ADOPT AN ORDI-  
16 NANCE THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A STATE  
17 CIVIL INFRACTION AND PROVIDES A CIVIL FINE OF NOT MORE THAN  
18 \$100.00 FOR THAT VIOLATION.

19 (4) ~~-(3)-~~ 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). A statute may provide that a viola-  
25 tion of a specific type of ordinance is a municipal civil infrac-  
26 tion whether or not the ordinance designates the violation as a  
27 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 sections  
11 257.1 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)-~~ An ordinance not described in subsection (2) or  
7 (3) may provide that a person who violates the ordinance is  
8 subject to either, or both, of the following:

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

11 (b) Payment of court costs.

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