



HOUSE BILL No. 5839

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

A bill to amend section 2 of Act No. 215 of the Public Acts of 1895, entitled as amended "The fourth class city act," as amended by Act No. 43 of the Public Acts of 1996, being section 89.2 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of Act No. 215 of the Public Acts of
2 1895, as amended by Act No. 43 of the Public Acts of 1996, being
3 section 89.2 of the Michigan Compiled Laws, is amended to read as
4 follows:

5 Sec. 2. (1) The council of a city may prescribe a sanction
6 for the violation of an ordinance.

7 (2) Consistent with any of the following statutes, the
8 council may adopt an ordinance that designates a violation of the

1 ordinance as a civil infraction and provides a civil fine for
2 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 COUNCIL MAY ADOPT AN ORDINANCE THAT
14 DESIGNATES A VIOLATION OF THE ORDINANCE AS A STATE CIVIL INFRAC-
15 TION AND PROVIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR THAT
16 VIOLATION.

17 (4) ~~(3)~~ The council may adopt an ordinance that designates
18 a violation of the ordinance as a municipal civil infraction and
19 provides a civil fine for that violation. An ordinance may not
20 designate a violation as a municipal civil infraction if that
21 violation may be designated as a civil infraction under
22 subsection (2). A statute may provide that a violation of a spe-
23 cific type of ordinance is a municipal civil infraction whether
24 or not the ordinance designates the violation as a municipal
25 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)~~ For the violation of an ordinance other than an
7 ordinance described in subsection (2), ~~or~~ (3), OR (4), the
8 council may prescribe a fine or forfeiture not exceeding \$500.00,
9 unless a greater fine or forfeiture is authorized in this act, or
10 imprisonment not exceeding 180 days, or both, in the discretion
11 of the court, together with the costs of prosecution for each
12 violation of the ordinance; may provide that the offender, on
13 failing to pay a fine or forfeiture, or the costs of prosecution,
14 may be imprisoned for a term not exceeding 180 days unless pay-
15 ment is made before the expiration of the term; and may direct
16 the imprisonment to be in the county jail of the county within
17 which the city is located or in a prison or other place of con-
18 finement in the state as provided by law.

19 (7) ~~(6)~~ A sanction for the violation of an ordinance shall
20 be prescribed in the ordinance.

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