



# HOUSE BILL No. 6176

November 12, 1996. Introduced by Rep. Profit and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 2 of chapter VI 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 chapter VI of Act No. 3 of the  
2 Public Acts of 1895, as amended by Act No. 41 of the Public Acts  
3 of 1996, being section 66.2 of the Michigan Compiled Laws, is  
4 amended to read as follows:

5 CHAPTER VI

6 Sec. 2. (1) Except as otherwise provided in this act, the  
7 council of a village authorized to pass an ordinance may  
8 prescribe a sanction for a violation of the ordinance. If a  
9 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 viola-  
3 tion of the ordinance as a civil infraction and provides a civil  
4 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) The village council may adopt an ordinance that desig-  
13 nates a violation of the ordinance as a municipal civil infrac-  
14 tion and provides a civil fine for that violation. An ordinance  
15 may not designate a violation as a municipal civil infraction if  
16 that violation may be designated as a civil infraction under  
17 subsection (2). A statute may provide that a violation of a spe-  
18 cific type of ordinance is a municipal civil infraction whether  
19 or not the ordinance designates the violation as a municipal  
20 civil infraction.

21 (4) An ordinance shall not make an act or omission a munici-  
22 pal civil infraction if that act or omission constitutes a crime  
23 under any of the following:

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

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

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

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

9 (e) Part 801 (marine safety) of the natural resources and  
10 environmental protection act, Act No. 451 of the Public Acts of  
11 1994, being sections 324.80101 to 324.80199 of the Michigan  
12 Compiled Laws.

13 (f) The aeronautics code of the state of Michigan, Act  
14 No. 327 of the Public Acts of 1945, being sections 259.1 to  
15 259.208 of the Michigan Compiled Laws.

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

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

22 (i) Sections 351 to 365 of the railroad code of 1993, Act  
23 No. 354 of the Public Acts of 1993, being sections 462.351 to  
24 462.365 of the Michigan Compiled Laws.

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

1 (5) An ordinance not described in subsection (2) or (3) may  
2 provide that a ~~person who violates the ordinance is subject to~~  
3 ~~either, or both, of the following: (a) Punishment~~ VIOLATION OF  
4 THE ORDINANCE IS PUNISHABLE by imprisonment for not more than  
5 ~~90~~ 93 days or by a fine of not more than \$500.00, or both.  
6 ~~(b) Payment of court costs.~~