

HOUSE BILL No. 6261

November 5, 1998, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

A bill to amend 1895 PA 215, entitled
"The fourth class city act,"
by amending section 2 (MCL 89.2), as amended by 1996 PA 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 (2) Consistent with any of the following statutes, the coun-
4 cil may adopt an ordinance that designates a violation of the
5 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~~ 1949 PA 300, MCL 257.1 TO 257.923.

1 (b) ~~Act No. 235 of the Public Acts of 1969, being~~
2 ~~sections 257.941 to 257.943 of the Michigan Compiled Laws 1969~~
3 PA 235, MCL 257.941 TO 257.943.

4 (c) ~~Act No. 62 of the Public Acts of 1956, being~~
5 ~~sections 257.951 to 257.954 of the Michigan Compiled Laws 1956~~
6 PA 62, MCL 257.951 TO 257.954.

7 (3) The council may adopt an ordinance that designates a
8 violation of the ordinance as a municipal civil infraction and
9 provides a civil fine for that violation. An ordinance may not
10 designate a violation as a municipal civil infraction if that
11 violation may be designated as a civil infraction under
12 subsection (2). A statute may provide that a violation of a spe-
13 cific type of ordinance is a municipal civil infraction whether
14 or not the ordinance designates the violation as a municipal
15 civil infraction.

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

19 (a) Article 7 or section 17766a of the public health code,
20 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~
21 ~~to 333.7545 and 333.17766a of the Michigan Compiled Laws 1978~~
22 PA 368, MCL 333.7101 TO 333.7545 AND 333.17766A.

23 (b) The Michigan penal code, ~~Act No. 328 of the Public Acts~~
24 ~~of 1931, being sections 750.1 to 750.568 of the Michigan Compiled~~
25 ~~Laws 1931~~ PA 328, MCL 750.1 TO 750.568.

1 (c) ~~Act No. 300 of the Public Acts of 1949, being sections~~
2 ~~257.1 to 257.923 of the Michigan Compiled Laws~~ THE MICHIGAN
3 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

4 (d) The Michigan liquor control ~~act, Act No. 8 of the~~
5 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~
6 ~~436.58 of the Michigan Compiled Laws~~ CODE OF 1998 PA 58,
7 MCL 436.1101 TO 436.2303.

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

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

16 (g) Part 821 ~~(snowmobiles)~~ of Act No. 451 of the Public
17 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
18 ~~Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVIRONMEN-
19 TAL PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82159.

20 (h) Part 811 ~~(off-road recreation vehicles)~~ of Act No. 451
21 ~~of the Public Acts of 1994, being sections 324.81101 to 324.81150~~
22 ~~of the Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVI-
23 RONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO
24 324.81150.

25 (i) Sections 351 to 365 of the railroad code of 1993, ~~Act~~
26 ~~No. 354 of the Public Acts of 1993, being sections 462.351 to~~

1 ~~462.365 of the Michigan Compiled Laws~~ 1993 PA 354, MCL 462.351
2 TO 462.365.

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

5 (5) For the violation of an ordinance other than an ordi-
6 nance described in subsection (2) or (3), the council may pre-
7 scribe a fine or forfeiture not exceeding \$500.00, unless a
8 greater fine or forfeiture is authorized in this act, or impris-
9 onment not exceeding 180 days, or both, in the discretion of the
10 court, together with the costs of prosecution for each violation
11 of the ordinance; may provide that the offender, on failing to
12 pay a fine or forfeiture, or the costs of prosecution, may be
13 imprisoned for a term not exceeding 180 days unless payment is
14 made before the expiration of the term; and may direct the
15 imprisonment to be in the county jail of the county within which
16 the city is located or in a prison or other place of confinement
17 in the state as provided by law.

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