

HOUSE BILL No. 4150

February 3, 1999, Introduced by Rep. Jarnick and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1945 PA 246, entitled

"An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,"

by amending section 3 (MCL 41.183), as amended by 1996 PA 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The township board may provide in a township
2 ordinance a sanction for violation of the ordinance.

3 (2) Consistent with any of the following statutes, the town-
4 ship board may adopt an ordinance that designates a violation of
5 the ordinance as a civil infraction and provides a civil fine for
6 that violation:

1 (a) The Michigan vehicle code, ~~Act No. 300 of the Public~~
2 ~~Acts of 1949, being sections 257.1 to 257.923 of the Michigan~~
3 ~~Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

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

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

10 (3) The township board may adopt an ordinance that desig-
11 nates a violation of the ordinance as a municipal civil infrac-
12 tion and provides a civil fine for that violation. An ordinance
13 ~~may~~ SHALL not designate a violation as a municipal civil
14 infraction if that violation may be designated as a civil infrac-
15 tion under subsection (2). A statute may provide that a viola-
16 tion of a specific type of ordinance is a municipal civil infrac-
17 tion whether or not the ordinance designates the violation as a
18 municipal civil infraction.

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

22 (a) Article 7 or section 17766a of the public health code,
23 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~
24 ~~to 333.7545 and 333.17766a of the Michigan Compiled Laws~~ 1978 PA
25 368, MCL 333.7101 TO 333.7545 AND 333.17766A.

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~~ 1931 PA 328, MCL 750.1 TO 750.568.

4 (c) ~~Act No. 300 of the Public Acts of 1949, being sections~~
5 ~~257.1 to 257.923 of the Michigan Compiled Laws~~ THE MICHIGAN
6 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

7 (d) The Michigan liquor control ~~act, Act No. 8 of the~~
8 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~
9 ~~436.58 of the Michigan Compiled Laws~~ CODE OF 1998, 1998 PA 58,
10 MCL 436.1101 TO 436.2303.

11 (e) Part 801 ~~(marine safety), Act No. 451 of the Public~~
12 ~~Acts of 1994, being sections 324.80101 to 324.80199 of the~~
13 ~~Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVIRONMEN-
14 TAL PROTECTION ACT, 1994 PA 451, 324.80101 TO 324.80199.

15 (f) The aeronautics code of the state of Michigan, ~~Act~~
16 ~~No. 327 of the Public Acts of 1945, being sections 259.1 to~~
17 ~~259.208 of the Michigan Compiled Laws~~ 1945 PA 327, MCL 259.1 TO
18 259.208.

19 (g) Part 821 ~~(snowmobiles)~~ of the natural resources and
20 environmental protection act, ~~Act No. 451 of the Public Acts of~~
21 ~~1994, being sections 324.82101 to 324.82159 of the Michigan~~
22 ~~Compiled Laws~~ 1994 PA 451, MCL 324.82101 TO 324.82160.

23 (h) Part 811 ~~(off-road recreation vehicles)~~ of Act No. 451
24 ~~of the Public Acts of 1994, being sections 324.81101 to 324.81150~~
25 ~~of the Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVI-
26 RONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO
27 324.81150.

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~~ 1993 PA 354, MCL 462.351
4 TO 462.365.

5 (j) Any law of this state under which the act or omission is
6 punishable by imprisonment for more than ~~90~~ 93 days.

7 (5) An ordinance not described in subsection (2) or (3) may
8 provide a penalty for violation of the ordinance consisting of a
9 fine not exceeding \$500.00 or imprisonment not exceeding 90 days,
10 or both. HOWEVER, UNLESS OTHERWISE PROVIDED BY LAW, THE ORDI-
11 NANCE MAY PROVIDE THAT A VIOLATION OF THE ORDINANCE IS PUNISHABLE
12 BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE
13 THAN \$500.00, OR BOTH, IF THE VIOLATION SUBSTANTIALLY CORRESPONDS
14 TO A VIOLATION OF STATE LAW THAT IS A MISDEMEANOR FOR WHICH THE
15 MAXIMUM PERIOD OF IMPRISONMENT IS 93 DAYS.

16 (6) An action for the violation of a township ordinance
17 shall be instituted in the district court, unless the person
18 alleged to have violated the ordinance admits responsibility at a
19 parking violations bureau or municipal ordinance violation bureau
20 as otherwise provided and authorized by law. Fines and costs
21 imposed or assessed in such an action shall be distributed in
22 accordance with section 8379 of the revised judicature act of
23 1961, ~~Act No. 236 of the Public Acts of 1961, being~~
24 ~~section 600.8379 of the Michigan Compiled Laws~~ 1961 PA 236, MCL
25 600.8379.

1 Enacting section 1. This amendatory act does not take
2 effect unless all of the following bills of the 90th Legislature
3 are enacted into law:

4 (a) Senate Bill No. _____ or House Bill No. _____
5 (request no. 00939'99).

6 (b) Senate Bill No. _____ or House Bill No. _____
7 (request no. 00939'99 a).

8 (c) Senate Bill No. _____ or House Bill No. _____
9 (request no. 00939'99 c).

10 (d) Senate Bill No. _____ or House Bill No. _____
11 (request no. 00939'99 d).