

HOUSE BILL No. 4582

April 27, 1999, Introduced by Reps. Garcia, Faunce, Julian, Howell, Patterson, Jacobs and O'Neil and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending section 2 of chapter VI (MCL 66.2), as amended by
1996 PA 41.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER VI

2 Sec. 2. (1) Except as otherwise provided in this act, the
3 council of a village authorized to pass an ordinance may pre-
4 scribe a sanction for a violation of the ordinance. If a sanc-
5 tion is prescribed, it shall be prescribed in the ordinance.

6 (2) Consistent with any of the following statutes, the vil-
7 lage council may adopt an ordinance that designates a violation
8 of the ordinance as a civil infraction and provides a civil fine
9 for 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 village council 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
25 PA 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)~~ of the natural resources and
12 environmental protection act, ~~Act No. 451 of the Public Acts of~~
13 ~~1994, being sections 324.80101 to 324.80199 of the Michigan~~
14 ~~Compiled Laws~~ 1994 PA 451, MCL 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 ~~Act No. 451 of the Public~~
20 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
21 ~~Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVIRONMEN-
22 TAL PROTECTION ACT, 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 that a ~~person who violates the ordinance is subject to~~
9 ~~either, or both, of the following: (a) Punishment~~ VIOLATION OF
10 THE ORDINANCE IS PUNISHABLE by imprisonment for not more than 90
11 days or by a fine of not more than \$500.00, or both. HOWEVER,
12 UNLESS OTHERWISE PROVIDED BY LAW, THE ORDINANCE MAY PROVIDE THAT
13 A VIOLATION OF THE ORDINANCE IS PUNISHABLE BY IMPRISONMENT FOR
14 NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
15 BOTH, IF THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
16 OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923,
17 THAT IS A MISDEMEANOR FOR WHICH THE MAXIMUM PERIOD OF IMPRISON-
18 MENT IS 93 DAYS.

19 ~~(b) Payment of court costs.~~

20 Enacting section 1. This amendatory act takes effect
21 October 1, 1999.

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

25 (a) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 01321'99).

- 1 (b) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 01325'99).
- 3 (c) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 01326'99).
- 5 (d) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 01327'99 *).
- 7 (e) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 01328'99 *).
- 9 (f) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 01329'99).
- 11 (g) Senate Bill No. _____ or House Bill No. _____ (request
12 no. 01340'99 *).
- 13 (h) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 01340'99 a *).
- 15 (i) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 01340'99 b *).
- 17 (j) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 01340'99 c *).