

HOUSE BILL No. 4583

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

A bill to amend 1947 PA 359, entitled
"The charter township act,"
by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) The township board shall provide in each ordi-
2 nance 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:

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 township board may adopt an ordinance that desig-
8 nates a violation of the ordinance as a municipal civil infrac-
9 tion and provides a civil fine for that violation. An ordinance
10 ~~may~~ SHALL not designate a violation as a municipal civil
11 infraction if that violation may be designated as a civil infrac-
12 tion under subsection (2). A statute may provide that a viola-
13 tion of a specific type of ordinance is a municipal civil infrac-
14 tion whether or not the ordinance designates the violation as a
15 municipal 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~~
2 ~~sections 257.1 to 257.923 of the Michigan Compiled Laws~~ THE
3 MICHIGAN 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, 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 324.82160.

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~~ 93 days.

5 (5) For an ordinance not described in subsection (2) or (3),
6 punishment for a violation of the ordinance shall not exceed a
7 fine of \$500.00 ~~—~~, or imprisonment for 90 days, or both. ~~—, in~~
8 ~~the discretion of the court.~~ HOWEVER, UNLESS OTHERWISE PROVIDED
9 BY LAW, THE ORDINANCE MAY PROVIDE THAT A VIOLATION OF THE ORDI-
10 NANCE IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR
11 A FINE OF NOT MORE THAN \$500.00, OR BOTH, IF THE VIOLATION SUB-
12 STANTIALLY CORRESPONDS TO A VIOLATION OF THE MICHIGAN VEHICLE
13 CODE, 1949 PA 300, MCL 257.1 TO 257.923, THAT IS A MISDEMEANOR
14 FOR WHICH THE MAXIMUM PERIOD OF IMPRISONMENT IS 93 DAYS.

15 (6) Fines collected for the violation of the ordinances of a
16 charter township shall be distributed as provided in section 8379
17 of the revised judicature act of 1961, ~~Act No. 236 of the~~
18 ~~Public Acts of 1961, being section 600.8379 of the Michigan~~
19 ~~Compiled Laws~~ 1961 PA 236, MCL 600.8379.

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 b *).
- 15 (i) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 01340'99 c *).
- 17 (j) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 01340'99 d *).