

**SENATE BILL NO. 687**

September 21, 1999, Introduced by Senator JAYE and referred to  
the Committee on Judiciary.

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) CONSISTENT WITH PART 801 OF THE NATURAL RESOURCES AND  
 11 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80101 TO  
 12 324.80199H, THE VILLAGE COUNCIL MAY ADOPT AN ORDINANCE THAT DES-  
 13 IGNATES A VIOLATION OF THE ORDINANCE AS A STATE CIVIL INFRACTION  
 14 AND PROVIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR THAT  
 15 VIOLATION.

16 (4) ~~(3)~~ The village council may adopt an ordinance that  
 17 designates a violation of the ordinance as a municipal civil  
 18 infraction and provides a civil fine for that violation. An  
 19 ordinance ~~may~~ SHALL not designate a violation as a municipal  
 20 civil infraction if that violation may be designated as a civil  
 21 infraction under subsection (2) OR A STATE CIVIL INFRACTION UNDER  
 22 SUBSECTION (3). A statute may provide that a violation of a spe-  
 23 cific type of ordinance is a municipal civil infraction whether  
 24 or not the ordinance designates the violation as a municipal  
 25 civil infraction.

1       (5) ~~(4)~~ An ordinance shall not make an act or omission a  
2 municipal civil infraction if that act or omission constitutes a  
3 crime under any of the following:

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

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

11       (c) ~~Act No. 300 of the Public Acts of 1949, being sections~~  
12 ~~257.1 to 257.923 of the Michigan Compiled Laws~~ THE MICHIGAN  
13 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

14       (d) The ~~Michigan liquor control act, Act No. 8 of the~~  
15 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~  
16 ~~436.58 of the Michigan Compiled Laws~~ MICHIGAN LIQUOR CONTROL  
17 CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.

18       (e) Part 801 ~~(marine safety)~~ of the natural resources and  
19 environmental protection act, ~~Act No. 451 of the Public Acts of~~  
20 ~~1994, being sections 324.80101 to 324.80199 of the Michigan~~  
21 ~~Compiled Laws~~ 1994 PA 451, MCL 324.80101 TO 324.80199H.

22       (f) The aeronautics code of the state of Michigan, ~~Act~~  
23 ~~No. 327 of the Public Acts of 1945, being sections 259.1 to~~  
24 ~~259.208 of the Michigan Compiled Laws~~ 1945 PA 327, MCL 259.1 TO  
25 259.208.

26       (g) Part 821 ~~(snowmobiles)~~ of ~~Act No. 451 of the Public~~  
27 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~

1 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL  
2 PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82160.

3 (h) Part 811 ~~—(off-road recreation vehicles)—~~ of ~~Act~~  
4 ~~No. 451 of the Public Acts of 1994, being sections 324.81101 to~~  
5 ~~324.81150 of the Michigan Compiled Laws~~ THE NATURAL RESOURCES  
6 AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO  
7 324.81150.

8 (i) Sections 351 to 365 of the railroad code of 1993, ~~Act~~  
9 ~~No. 354 of the Public Acts of 1993, being sections 462.351 to~~  
10 ~~462.365 of the Michigan Compiled Laws~~ 1993 PA 354, MCL 462.351  
11 TO 462.365.

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

14 (6) ~~—(5)—~~ An ordinance not described in subsection (2) or  
15 (3) may provide that a person who violates the ordinance is  
16 subject to either, or both, of the following:

17 (a) Punishment by imprisonment for not more than 90 days or  
18 by a fine of not more than \$500.00, or both.

19 (b) Payment of court costs.

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

23 (a) Senate Bill No. 682.

24

25 (b) Senate Bill No. 683.

26

1 (c) Senate Bill No. 684.

2

3 (d) Senate Bill No. 685.

4

5 (e) Senate Bill No. 686.

6

7 (f) Senate Bill No. 688.

8

9 (g) Senate Bill No. 689.

10

11 (h) Senate Bill No. 690.

12