

SENATE BILL NO. 689

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

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER IX

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

4 (2) Consistent with any of the following statutes, the coun-
5 cil may adopt an ordinance that designates a violation of the
6 ordinance as a civil infraction and provides a civil fine for
7 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 COUNCIL MAY ADOPT AN ORDINANCE THAT DESIGNATES A
13 VIOLATION OF THE ORDINANCE AS A STATE CIVIL INFRACTION AND PRO-
14 VIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR THAT VIOLATION.

15 (4) ~~-(3)-~~ The council may adopt an ordinance that designates
16 a violation of the ordinance as a municipal civil infraction and
17 provides a civil fine for that violation. An ordinance ~~may~~
18 SHALL not designate a violation as a municipal civil infraction
19 if that violation may be designated as a civil infraction under
20 subsection (2) OR A STATE CIVIL INFRACTION UNDER SUBSECTION (3).
21 A statute may provide that a violation of a specific type of
22 ordinance is a municipal civil infraction whether or not the
23 ordinance designates the violation as a municipal civil
24 infraction.

25 (5) ~~-(4)-~~ An ordinance shall not make an act or omission a
26 municipal civil infraction if that act or omission constitutes a
27 crime under any of the following:

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

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

8 (c) ~~Act No. 300 of the Public Acts of 1949, being sections~~
9 ~~257.1 to 257.923 of the Michigan Compiled Laws~~ THE MICHIGAN
10 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

11 (d) The ~~Michigan liquor control act, Act No. 8 of the~~
12 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~
13 ~~436.58 of the Michigan Compiled Laws~~ MICHIGAN LIQUOR CONTROL
14 CODE OF 1998, 1998 PA 58, MCL 436.1101 TO 436.2303.

15 (e) Part 801 ~~(marine safety)~~ of the natural resources and
16 environmental protection act, ~~Act No. 451 of the Public Acts of~~
17 ~~1994, being sections 324.80101 to 324.80199 of the Michigan~~
18 ~~Compiled Laws~~ 1994 PA 451, MCL 324.80101 TO 324.80199H.

19 (f) The aeronautics code of the state of Michigan, ~~Act~~
20 ~~No. 327 of the Public Acts of 1945, being sections 259.1 to~~
21 ~~259.208 of the Michigan Compiled Laws~~ 1945 PA 327, MCL 259.1 TO
22 259.208.

23 (g) Part 821 ~~(snowmobiles)~~ of ~~Act No. 451 of the Public~~
24 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
25 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL
26 PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82160.

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

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

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

12 (6) ~~(5)~~ For the violation of an ordinance other than an
 13 ordinance described in subsection (2), ~~or~~ (3), OR (4), the
 14 council may ~~prescribe~~ DO ALL OF THE FOLLOWING:

15 (A) PRESCRIBE a fine or forfeiture not exceeding \$500.00,
 16 unless a greater fine or forfeiture is authorized in this act, or
 17 imprisonment not exceeding 180 days, or both, in the discretion
 18 of the court, together with the costs of prosecution for each
 19 violation of the ordinance. ~~;~~ ~~may provide~~

20 (B) PROVIDE that the offender, on failing to pay a fine or
 21 forfeiture, or the costs of prosecution, may be imprisoned for a
 22 term not exceeding 180 days unless payment is made before the
 23 expiration of the term. ~~;~~ ~~and may direct~~

24 (C) DIRECT the imprisonment to be in the county jail of the
 25 county within which the city is located or in a prison or other
 26 place of confinement in the state as provided by law.

1 (7) ~~—(6)—~~ A sanction for the violation of an ordinance shall
2 be prescribed in the ordinance.

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

6 (a) Senate Bill No. 682.

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8 (b) Senate Bill No. 683.

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10 (c) Senate Bill No. 684.

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12 (d) Senate Bill No. 685.

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14 (e) Senate Bill No. 686.

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16 (f) Senate Bill No. 687.

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18 (g) Senate Bill No. 688.

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20 (h) Senate Bill No. 690.

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