

# SENATE BILL No. 303

March 8, 2001, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to amend 1947 PA 359, entitled  
"The charter township act,"  
by amending section 21 (MCL 42.21), as amended by 1999 PA 58.

## 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, 1949 PA 300, MCL 257.1 to  
8 257.923.
- 9       (b) 1969 PA 235, MCL 257.941 to 257.943.
- 10      (c) 1956 PA 62, MCL 257.951 to ~~257.954~~ 257.955.

1 (3) CONSISTENT WITH PART 801 OF THE NATURAL RESOURCES AND  
2 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.80101 TO  
3 324.80199H, THE TOWNSHIP BOARD MAY ADOPT AN ORDINANCE THAT DESIG-  
4 NATES A VIOLATION OF THE ORDINANCE AS A STATE CIVIL INFRACTION  
5 AND PROVIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR THAT  
6 VIOLATION.

7 (4) ~~-(3)-~~ The township board may adopt an ordinance that  
8 designates a violation of the ordinance as a municipal civil  
9 infraction and provides a civil fine for that violation. An  
10 ordinance 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) OR A STATE CIVIL INFRACTION UNDER SUB-  
13 SECTION (3). A statute may provide that a violation of a spe-  
14 cific type of ordinance is a municipal civil infraction whether  
15 or not the ordinance designates the violation as a municipal  
16 civil infraction.

17 (5) ~~-(4)-~~ An ordinance shall not make an act or omission a  
18 municipal civil infraction if that act or omission constitutes a  
19 crime under any of the following:

20 (a) Article 7 or section 17766a of the public health code,  
21 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

22 (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to  
23 750.568.

24 (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
25 257.923.

26 (d) The Michigan liquor control code of 1998, 1998 PA 58,  
27 MCL 436.1101 to 436.2303.

1 (e) Part 801 of the natural resources and environmental  
2 protection act, 1994 PA 451, MCL 324.80101 to ~~324.80199~~  
3 324.80199H.

4 (f) The aeronautics code of the state of Michigan, 1945  
5 PA 327, MCL 259.1 to 259.208.

6 (g) Part 821 of the natural resources and environmental pro-  
7 tection act, 1994 PA 451, MCL 324.82101 to 324.82160.

8 (h) Part 811 of the natural resources and environmental pro-  
9 tection act, 1994 PA 451, MCL 324.81101 to 324.81150.

10 (i) Sections 351 to 365 of the railroad code of 1993, 1993  
11 PA 354, MCL 462.351 to 462.365.

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

14 (6) ~~-(5)-~~ For an ordinance not described in subsection (2),  
15 ~~or~~ (3), OR (4), punishment for a violation of the ordinance  
16 shall not exceed a fine of \$500.00 or imprisonment for 90 days,  
17 or both. However, unless otherwise provided by law, the ordi-  
18 nance may provide that a violation of the ordinance is punishable  
19 by imprisonment for not more than 93 days or a fine of not more  
20 than \$500.00, or both, if the violation substantially corresponds  
21 to a violation of state law that is a misdemeanor for which the  
22 maximum period of imprisonment is 93 days.

23 (7) ~~-(6)-~~ Fines collected for the violation of the ordi-  
24 nances of a charter township shall be distributed as provided in  
25 section 8379 of the revised judicature act of 1961, 1961 PA 236,  
26 MCL 600.8379.

1 Enacting section 1. This amendatory act does not take  
2 effect unless all of the following bills of the 91st Legislature  
3 are enacted into law:

4 (a) Senate Bill No. 299.

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6 (b) Senate Bill No. 300.

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8 (c) Senate Bill No. 301.

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10 (d) Senate Bill No. 302.

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12 (e) Senate Bill No. 304.

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14 (f) Senate Bill No. 305.

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16 (g) Senate Bill No. 306.

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18 (h) Senate Bill No. 307.

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