

Act No. 13  
Public Acts of 1994  
Approved by the Governor  
February 23, 1994  
Filed with the Secretary of State  
February 24, 1994

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1994**

Introduced by Senator Conroy

# **ENROLLED SENATE BILL No. 732**

AN ACT to amend sections 20 and 21 of Act No 359 of the Public Acts of 1947 entitled An act to authorize the incorporation of charter townships to provide a municipal charter therefor and to prescribe the powers and functions thereof being sections 42 20 and 42 21 of the Michigan Compiled Laws

*The People of the State of Michigan enact*

Section 1 Sections 20 and 21 of Act No 359 of the Public Acts of 1947 being sections 42 20 and 42 21 of the Michigan Compiled Laws are amended to read as follows

Sec 20 (1) Legislation of a charter township shall be by ordinance or by resolution A resolution shall be limited to matters required or permitted to be done by resolution by this act or by state or federal law and to matters pertaining to the internal affairs or concerns of the township government Any other act of the township board and any act imposing a sanction for the violation of the act shall be by ordinance Resolution means the official action of the township board in the form of a motion

(2) Each ordinance shall be identified by a number and a short title Each proposed ordinance shall be introduced in written or printed form The style of an ordinance shall be The charter township of ordains Except in the case of an ordinance that is declared to be an emergency ordinance an ordinance shall not be finally passed by the township board at the same meeting at which it is introduced or before it is published in the form in which it is introduced An ordinance shall not be revised altered or amended by reference to its title only but the section or sections of the ordinance revised altered or amended shall be re enacted and published at length When enacted an ordinance shall be immediately recorded by the township clerk in a book to be called The ordinance book The supervisor and township clerk shall authenticate the record by their official signatures on the record The ordinances of each charter township shall be compiled and published in loose leaf or booklet form not less than once in every 10 year period

Sec 21 (1) The township board shall provide in each ordinance a sanction for violation of the ordinance

(2) Consistent with any of the following statutes the township board may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation

(a) The Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(b) Act No 235 of the Public Acts of 1969 being sections 257 941 to 257 943 of the Michigan Compiled Laws

(c) Act No 62 of the Public Acts of 1956 being sections 257 951 to 257 954 of the Michigan Compiled Laws

(3) Consistent with the marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws the township board may adopt an ordinance that designates a violation of the ordinance as a marine law civil infraction and provides a civil fine for that violation This subsection does not apply unless House Bill No 4639 of the 87th Legislature is enacted into law

(4) The township board may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation An ordinance may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (2) or as a marine law civil infraction under subsection (3) A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction

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

(a) Article 7 or section 17766a of the public health code Act No 368 of the Public Acts of 1978 being sections 333 7101 to 333 7545 and 333 17766a of the Michigan Compiled Laws

(b) The Michigan penal code Act No 328 of the Public Acts of 1931 being sections 750 1 to 750 568 of the Michigan Compiled Laws

(c) The Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(d) The Michigan liquor control act Act No 8 of the Public Acts of the Extra Session of 1933 being sections 436 1 to 436 58 of the Michigan Compiled Laws

(e) The marine safety act Act No 303 of the Public Acts of 1967 being sections 281 1001 to 281 1199 of the Michigan Compiled Laws

(f) The aeronautics code of the state of Michigan Act No 327 of the Public Acts of 1945 being sections 259 1 to 259 208 of the Michigan Compiled Laws

(g) Act No 74 of the Public Acts of 1968 being sections 257 1501 to 257 1518 of the Michigan Compiled Laws

(h) Act No 319 of the Public Acts of 1975 being sections 257 1601 to 257 1626 of the Michigan Compiled Laws

(i) Act No 4 of the Public Acts of 1986 being sections 470 201 to 470 210 of the Michigan Compiled Laws

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

(6) For an ordinance not described in subsection (2) (3) or (4) punishment for a violation of the ordinance shall not exceed a fine of \$500 00 or imprisonment for 90 days or both in the discretion of the court

(7) Fines collected for the violation of the ordinances of a charter township shall be distributed as provided in section 8379 of the revised judicature act of 1961 Act No 236 of the Public Acts of 1961 being section 600 8379 of the Michigan Compiled Laws

Section 2 This amendatory act shall take effect May 1 1994

Section 3 This amendatory act shall not take effect unless Senate Bill No 731 of the 87th Legislature is enacted into law

This act is ordered to take immediate effect

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Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor

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