

HOUSE BILL No. 4303

February 2, 1995, Introduced by Reps. Whyman, Profit, Hill, Ryan, Schroer, Nye, Brackenridge, Clack, Dobb, Rocca, Curtis, Bush, Dobronski, Dalman, McManus, Fitzgerald and Sikkema and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 21 of Act No. 359 of the Public Acts of 1947, entitled

"The charter township act,"

as amended by Act No. 13 of the Public Acts of 1994, being section 42.21 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 21 of Act No. 359 of the Public Acts of
2 1947, as amended by Act No. 13 of the Public Acts of 1994, being
3 section 42.21 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 21. (1) The township board shall provide in each ordi-
6 nance a sanction for violation of the ordinance.

7 (2) Consistent with any of the following statutes, the
8 township board may adopt an ordinance that designates a violation

1 of the ordinance as a civil infraction and provides a civil fine
2 for that violation:

3 (a) The Michigan vehicle code, Act No. 300 of the Public
4 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
5 Compiled Laws.

6 (b) Act No. 235 of the Public Acts of 1969, being
7 sections 257.941 to 257.943 of the Michigan Compiled Laws.

8 (c) Act No. 62 of the Public Acts of 1956, being
9 sections 257.951 to 257.954 of the Michigan Compiled Laws.

10 (3) Consistent with the marine safety act, Act No. 303 of
11 the Public Acts of 1967, being sections 281.1001 to 281.1199 of
12 the Michigan Compiled Laws, the township board may adopt an ordi-
13 nance that designates a violation of the ordinance as a marine
14 law civil infraction and provides a civil fine for that
15 violation. This subsection does not apply unless House Bill
16 No. 4639 of the 87th Legislature is enacted into law.

17 (4) The township board may adopt an ordinance that desig-
18 nates a violation of the ordinance as a municipal civil infrac-
19 tion and provides a civil fine for that violation. An ordinance
20 may not designate a violation as a municipal civil infraction if
21 that violation may be designated as a civil infraction under
22 subsection (2) or as a marine law civil infraction under
23 subsection (3). A statute may provide that a violation of a spe-
24 cific type of ordinance is a municipal civil infraction whether
25 or not the ordinance designates the violation as a municipal
26 civil infraction.

1 (5) 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.

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

10 (c) The Michigan vehicle code, Act No. 300 of the Public
11 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
12 Compiled Laws.

13 (d) The Michigan liquor control act, Act No. 8 of the Public
14 Acts of the Extra Session of 1933, being sections 436.1 to 436.58
15 of the Michigan Compiled Laws.

16 (e) The marine safety act, Act No. 303 of the Public Acts of
17 1967, being sections 281.1001 to 281.1199 of the Michigan
18 Compiled Laws.

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.

22 (g) THE MICHIGAN SNOWMOBILE ACT, Act No. 74 of the Public
23 Acts of 1968, being sections 257.1501 to ~~257.1518~~ 257.1543 of
24 the Michigan Compiled Laws.

25 (h) Act No. 319 of the Public Acts of 1975, being
26 sections 257.1601 to 257.1626 of the Michigan Compiled Laws.

1 (i) SECTION 353, 355, OR 357 OF THE RAILROAD CODE OF 1993,
2 Act No. ~~4~~ 354 of the Public Acts of ~~1986~~ 1993, being
3 sections ~~470.201 to 470.210~~ 462.353, 462.355, AND 462.357 of
4 the Michigan Compiled Laws.

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

7 (6) For an ordinance not described in subsection (2), (3),
8 or (4), punishment for a violation of the ordinance shall not
9 exceed a fine of \$500.00, or imprisonment for 90 days, or both,
10 in the discretion of the court. HOWEVER, PUNISHMENT FOR A VIOLA-
11 TION OF SUCH AN ORDINANCE SHALL NOT EXCEED A FINE OF \$500.00 OR
12 IMPRISONMENT FOR 93 DAYS, OR BOTH, IF EITHER OF THE FOLLOWING
13 APPLIES:

14 (A) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
15 UNDER SECTION 81(2), 131(3)(A)(i), OR 356D OF THE MICHIGAN PENAL
16 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
17 750.81, 750.131, AND 750.356D OF THE MICHIGAN COMPILED LAWS.

18 (B) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
19 UNDER SECTION 300A(1)(A) OF ACT NO. 328 OF THE PUBLIC ACTS OF
20 1931, BEING SECTION 750.300A OF THE MICHIGAN COMPILED LAWS, AND
21 THE DEFENDANT DOES NOT HAVE A PRIOR CONVICTION FOR A VIOLATION OF
22 SECTION 300A OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931.

23 (7) Fines collected for the violation of the ordinances of a
24 charter township shall be distributed as provided in section 8379
25 of the revised judicature act of 1961, Act No. 236 of the Public
26 Acts of 1961, being section 600.8379 of the Michigan Compiled
27 Laws.