



HOUSE BILL No. 4304

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

A bill to amend section 3 of Act No. 246 of the Public Acts of 1945, entitled as amended

"An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,"

as amended by Act No. 14 of the Public Acts of 1994, being section 41.183 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 246 of the Public Acts of
2 1945, as amended by Act No. 14 of the Public Acts of 1994, being
3 section 41.183 of the Michigan Compiled Laws, is amended to read
4 as follows:

1 Sec. 3. (1) The township board may provide in a township
2 ordinance 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, Act No. 300 of the Public
8 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
9 Compiled Laws.

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

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

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

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

1 specific type of ordinance is a municipal civil infraction
2 whether or not the ordinance designates the violation as a munic-
3 ipal civil infraction.

4 (5) An ordinance shall not make an act or omission a municipi-
5 pal civil infraction if that act or omission constitutes a crime
6 under any of the following:

7 (a) Article 7 or section 17766a of the public health code,
8 Act No. 368 of the Public Acts of 1978, being sections 333.7101
9 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

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

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

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

19 (e) The marine safety act, Act No. 303 of the Public Acts of
20 1967, being sections 281.1001 to 281.1199 of the Michigan
21 Compiled Laws.

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.

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

1 (h) Act No. 319 of the Public Acts of 1975, being sections
2 257.1601 to 257.1626 of the Michigan Compiled Laws.

3 (i) SECTION 353, 355, OR 357 OF THE RAILROAD CODE OF 1993,
4 Act No. ~~4~~ 354 of the Public Acts of ~~1986~~ 1993, being sections
5 ~~470.201 to 470.210~~ 462.353, 462.355, AND 462.357 of the
6 Michigan Compiled Laws.

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

9 (6) An ordinance not described in subsection (2), (3), or
10 (4) may provide a penalty for violation of the ordinance consist-
11 ing of a fine not exceeding \$500.00 or imprisonment not exceeding
12 90 days, or both. HOWEVER, SUCH AN ORDINANCE MAY PROVIDE A PEN-
13 ALTY CONSISTING OF A FINE NOT EXCEEDING \$500.00 OR IMPRISONMENT
14 NOT EXCEEDING 93 DAYS, OR BOTH, IF EITHER OF THE FOLLOWING
15 APPLIES:

16 (A) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
17 UNDER SECTION 81(2), 131(3)(A)(i), OR 356D OF THE MICHIGAN PENAL
18 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
19 750.81, 750.131, AND 750.356D OF THE MICHIGAN COMPILED LAWS.

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

25 (7) An action for the violation of a township ordinance
26 shall be instituted in the district court, unless the person
27 alleged to have violated the ordinance admits responsibility at a

1 parking violations bureau or municipal ordinance violation bureau
2 as otherwise provided and authorized by law. Fines and costs
3 imposed or assessed in such an action shall be distributed in
4 accordance with section 8379 of THE REVISED JUDICATURE ACT OF
5 1961, Act No. 236 of the Public Acts of 1961, being
6 section 600.8379 of the Michigan Compiled Laws.