



HOUSE BILL No. 4306

February 2, 1995, Introduced by Reps. Goschka, Nye, Hill, Schroer, Clack, Brackenridge, Dobb, Whyman, 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 2 of chapter VI of Act No. 3 of the Public Acts of 1895, entitled as amended "The general law village act," as amended by Act No. 16 of the Public Acts of 1994, being section 66.2 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2 of chapter VI of Act No. 3 of the
2 Public Acts of 1895, as amended by Act No. 16 of the Public Acts
3 of 1994, being section 66.2 of the Michigan Compiled Laws, is
4 amended to read as follows:

5 CHAPTER VI

6 Sec. 2. (1) Except as otherwise provided in this act, the
7 council of a village authorized to pass an ordinance may
8 prescribe a sanction for a violation of the ordinance. If a
9 sanction is prescribed, it shall be prescribed in the ordinance.

1 (2) Consistent with any of the following statutes, the
2 village council may adopt an ordinance that designates a viola-
3 tion of the ordinance as a civil infraction and provides a civil
4 fine for that violation:

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

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

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

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

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

1 or not the ordinance designates the violation as a municipal
2 civil infraction.

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

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

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

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

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

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

21 (f) The aeronautics code of the state of Michigan, Act
22 No. 327 of the Public Acts of 1945, being sections 259.1 to
23 259.208 of the Michigan Compiled Laws.

24 (g) THE MICHIGAN SNOWMOBILE ACT, Act No. 74 of the Public
25 Acts of 1968, being sections 257.1501 to ~~257.1518~~ 257.1543 of
26 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 sec-
5 tions ~~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 that a ~~person who violates the ordinance is~~
11 ~~subject to either, or both, of the following: (a) Punishment~~
12 VIOLATION OF THE ORDINANCE IS PUNISHABLE by imprisonment for not
13 more than 90 days or by a fine of not more than \$500.00, or
14 both. ~~(b) Payment of court costs.~~ HOWEVER, THE ORDINANCE MAY
15 PROVIDE THAT A VIOLATION OF THE ORDINANCE IS PUNISHABLE BY
16 IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN
17 \$500.00, OR BOTH, IF EITHER OF THE FOLLOWING APPLIES:

18 (A) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
19 UNDER SECTION 81(2), 131(3)(A)(i), OR 356D OF THE MICHIGAN PENAL
20 CODE, ACT NO. 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
21 750.81, 750.131, AND 750.356D OF THE MICHIGAN COMPILED LAWS.

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