

HOUSE BILL No. 4923

September 8, 2011, Introduced by Reps. Constan and Byrum and referred to the Committee on Judiciary.

A bill to amend 1895 PA 3, entitled "The general law village act," by amending sections 2 and 4 of chapter VI (MCL 66.2 and 66.4), section 2 as amended by 1999 PA 57 and section 4 as amended by 1999 PA 259.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VI

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

6 (2) Consistent with any of the following statutes, the village
7 council may adopt an ordinance that designates a violation of the

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

3 (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to
4 257.923.

5 (b) 1969 PA 235, MCL 257.941 to 257.943.

6 (c) 1956 PA 62, MCL 257.951 to ~~257.954~~**257.955**.

7 (3) The village council may adopt an ordinance that designates
8 a violation of the ordinance as a municipal civil infraction and
9 provides a civil fine for that violation. An ordinance shall not
10 designate a violation as a municipal civil infraction if that
11 violation may be designated as a civil infraction under subsection
12 (2). A statute may provide that a violation of a specific type of
13 ordinance is a municipal civil infraction whether or not the
14 ordinance designates the violation as a municipal civil infraction.

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

18 (a) Article 7 ~~or section 17766a~~ of the public health code,
19 1978 PA 368, MCL 333.7101 to 333.7545. ~~and 333.17766a~~.

20 (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to
21 750.568.

22 (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to
23 257.923.

24 (d) The Michigan liquor control code of 1998, 1998 PA 58, MCL
25 436.1101 to 436.2303.

26 (e) Part 801 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.80101 to 324.80199.

1 (f) The aeronautics code of the state of Michigan, 1945 PA
2 327, MCL 259.1 to 259.208.

3 (g) Part 821 of of the natural resources and environmental
4 protection act, 1994 PA 451, MCL 324.82101 to 324.82160.

5 (h) Part 811 of the natural resources and environmental
6 protection act, 1994 PA 451, MCL 324.81101 to 324.81150.

7 (i) Sections 351 to 365 of the railroad code of 1993, 1993 PA
8 354, MCL 462.351 to 462.365.

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

11 (5) An ordinance not described in subsection (2) or (3) may
12 provide that a violation of the ordinance is punishable by
13 imprisonment for not more than 90 days or by a fine of not more
14 than \$500.00, or both. However, unless otherwise provided by law,
15 the ordinance may provide that a violation of the ordinance is
16 punishable by imprisonment for not more than 93 days or a fine of
17 not more than \$500.00, or both, if the violation substantially
18 corresponds to a violation of state law that is a misdemeanor for
19 which the maximum period of imprisonment is 93 days. **IN ADDITION, A**
20 **VILLAGE MAY ADOPT SECTION 625(1)(C) OF THE MICHIGAN VEHICLE CODE,**
21 **1949 PA 300, MCL 257.625, BY REFERENCE IN AN ADOPTING ORDINANCE AND**
22 **SHALL PROVIDE THAT A VIOLATION OF THAT ORDINANCE IS A MISDEMEANOR**
23 **PUNISHABLE BY 1 OR MORE OF THE FOLLOWING:**

24 (A) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.

25 (B) IMPRISONMENT FOR NOT MORE THAN 180 DAYS.

26 (C) A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.

27 Sec. 4. (1) Within 15 days after an ordinance is passed, the

1 clerk shall publish the ordinance or a synopsis of the ordinance in
2 a newspaper circulated in the village. Immediately after the
3 ordinance or synopsis of the ordinance is published, the clerk
4 shall enter in the record of ordinances, in a blank space to be
5 left for that purpose under the record of the ordinance, a signed
6 certificate, stating the date on which and the name of the
7 newspaper in which the ordinance was published. The certificate is
8 prima facie evidence of the publication of the ordinance or the
9 synopsis.

10 (2) A village may adopt a provision of any state statute for
11 which the maximum period of imprisonment is 93 days, the Michigan
12 vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a plumbing
13 code, electrical code, mechanical code, fire protection code,
14 building code, or other code promulgated by this state, by a
15 department, board, or other agency of this state, or by an
16 organization or association that is organized or conducted for the
17 purpose of developing a code, by reference to the law or code in an
18 adopting ordinance and without publishing the law or code in full.
19 The law or code shall be clearly identified in the ordinance and a
20 statement of the purpose of the law or code shall be published with
21 the adopting ordinance. Printed copies of the law or code shall be
22 kept in the office of the village clerk available for inspection by
23 or distribution to the public during normal business hours. The
24 village may charge a fee that does not exceed the actual cost for
25 copies of the law or code distributed to the public. The
26 publication in the newspaper shall contain a notice to the effect
27 that a complete copy of the law or code is available for public use

1 and inspection at the office of the village clerk. ~~A~~**EXCEPT AS**
2 **OTHERWISE PROVIDED IN THIS SUBSECTION, A** village shall not enforce
3 any provision adopted by reference for which the maximum period of
4 imprisonment is greater than 93 days. **A VILLAGE MAY ADOPT SECTION**
5 **625(1)(C) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625,**
6 **BY REFERENCE IN AN ADOPTING ORDINANCE AND SHALL PROVIDE THAT A**
7 **VIOLATION OF THAT ORDINANCE IS A MISDEMEANOR PUNISHABLE BY 1 OR**
8 **MORE OF THE FOLLOWING:**

9 (A) COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.

10 (B) IMPRISONMENT FOR NOT MORE THAN 180 DAYS.

11 (C) A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.