

HOUSE BILL No. 4487

A bill to amend 1947 PA 359, entitled  
"The charter township act,"  
by amending section 21 (MCL 42.21), as amended by 1996 PA 36.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 21. (1) The township board shall provide in each ordi-  
2 nance 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~~ 1949 PA 300, MCL 257.1 TO 257.923.

1 (b) ~~Act No. 235 of the Public Acts of 1969, being~~  
2 ~~sections 257.941 to 257.943 of the Michigan Compiled Laws 1969~~  
3 PA 235, MCL 257.941 TO 257.943.

4 (c) ~~Act No. 62 of the Public Acts of 1956, being~~  
5 ~~sections 257.951 to 257.954 of the Michigan Compiled Laws 1956~~  
6 PA 62, MCL 257.951 TO 257.954.

7 (3) CONSISTENT WITH PART 801 (MARINE SAFETY) OF THE NATURAL  
8 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL  
9 324.80101 TO 324.80199, THE TOWNSHIP BOARD MAY ADOPT AN ORDINANCE  
10 THAT DESIGNATES A VIOLATION OF THE ORDINANCE AS A STATE CIVIL  
11 INFRACTION AND PROVIDES A CIVIL FINE OF NOT MORE THAN \$100.00 FOR  
12 THAT VIOLATION.

13 (4) ~~(3)~~ The township board may adopt an ordinance that  
14 designates a violation of the ordinance as a municipal civil  
15 infraction and provides a civil fine for that violation. An  
16 ordinance may not designate a violation as a municipal civil  
17 infraction if that violation may be designated as a civil infrac-  
18 tion under subsection (2) OR A STATE CIVIL INFRACTION UNDER  
19 SUBSECTION (3). A statute may provide that a violation of a spe-  
20 cific type of ordinance is a municipal civil infraction whether  
21 or not the ordinance designates the violation as a municipal  
22 civil infraction.

23 (5) ~~(4)~~ An ordinance shall not make an act or omission a  
24 municipal civil infraction if that act or omission constitutes a  
25 crime under any of the following:

26 (a) Article 7 or section 17766a of the public health code,  
27 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~

1 to ~~333.7545 and 333.17766a~~ of the Michigan Compiled Laws 1978 PA  
2 368, MCL 333.7101 TO 333.7545 AND 333.17766A.

3 (b) The Michigan penal code, ~~Act No. 328 of the Public Acts~~  
4 ~~of 1931, being sections 750.1 to 750.568~~ of the Michigan Compiled  
5 ~~Laws~~ 1931 PA 328, MCL 750.1 TO 750.568.

6 (c) ~~Act No. 300 of the Public Acts of 1949, being~~  
7 ~~sections 257.1 to 257.923~~ of the Michigan Compiled Laws 1949 PA  
8 300, MCL 257.1 TO 257.923.

9 (d) The Michigan liquor control act, ~~Act No. 8 of the~~  
10 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~  
11 ~~436.58~~ of the Michigan Compiled Laws 1933 (EX SESS) PA 8, MCL  
12 436.1 TO 436.58.

13 (e) Part 801 (marine safety) of the natural resources and  
14 environmental protection act, ~~Act No. 451 of the Public Acts of~~  
15 ~~1994, being sections 324.80101 to 324.80199~~ of the Michigan  
16 ~~Compiled Laws~~ 1994 PA 451, MCL 324.80101 TO 324.80199.

17 (f) The aeronautics code of the state of Michigan, ~~Act~~  
18 ~~No. 327 of the Public Acts of 1945, being sections 259.1 to~~  
19 ~~259.208~~ of the Michigan Compiled Laws 1945 PA 327, MCL 259.1 TO  
20 259.208.

21 (g) Part 821 (snowmobiles) of ~~Act No. 451 of the Public~~  
22 ~~Acts of 1994, being sections 324.82101 to 324.82159~~ of the  
23 ~~Michigan Compiled Laws~~ THE NATURAL RESOURCES AND ENVIRONMENTAL  
24 PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82159.

25 (h) Part 811 (off-road recreation vehicles) of ~~Act No. 451~~  
26 ~~of the Public Acts of 1994, being sections 324.81101 to 324.81150~~  
27 ~~of the Michigan Compiled Laws~~ THE NATURAL RESOURCES AND

1 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO  
2 324.81150.

3 (i) Sections 351 to 365 of the railroad code of 1993, ~~Act~~  
4 ~~No. 354 of the Public Acts of 1993, being sections 462.351 to~~  
5 ~~462.365 of the Michigan Compiled Laws~~ 1993 PA 354, MCL 462.351  
6 TO 462.365.

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) ~~(5)~~ For an ordinance not described in subsection (2),  
10 ~~or~~ (3), OR (4), punishment for a violation of the ordinance  
11 shall not exceed a fine of \$500.00, or imprisonment for 90 days,  
12 or both, in the discretion of the court.

13 (7) ~~(6)~~ Fines collected for the violation of the ordi-  
14 nances of a charter township shall be distributed as provided in  
15 section 8379 of the revised judicature act of 1961, ~~Act No. 236~~  
16 ~~of the Public Acts of 1961, being section 600.8379 of the~~  
17 ~~Michigan Compiled Laws~~ 1961 PA 236, MCL 600.8379.

18 Enacting section 1. This amendatory act does not take  
19 effect unless all of the following bills of the 89th Legislature  
20 are enacted into law:

21 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
22 no. 00685'97 \*\*).

23 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
24 no. 00685'97 a \*\*).

25 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
26 no. 00685'97 b \*\*\*).

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1 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
2 no. 00685'97 c \*\*).

3 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
4 no. 00685'97 e \*\*).

5 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
6 no. 00685'97 f \*\*).

7 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
8 no. 00685'97 g \*\*).

9 (h) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
10 no. 00685'97 h \*\*).