

HOUSE BILL No. 4490

A bill to amend 1895 PA 215, entitled
"The fourth class city act,"
by amending section 2 of chapter IX (MCL 89.2), as amended by
1996 PA 43.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

CHAPTER IX

2

Sec. 2. (1) The council of a city may prescribe a sanction
for the violation of an ordinance.

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(2) Consistent with any of the following statutes, the coun-
cil may adopt an ordinance that designates a violation of the
ordinance as a civil infraction and provides a civil fine for
that violation:

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(a) The Michigan vehicle code, ~~Act No. 300 of the Public~~
~~Acts of 1949, being sections 257.1 to 257.923 of the Michigan~~
~~Compiled Laws~~ 1949 PA 300, MCL 257.1 TO 257.923.

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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,
9 MCL 324.80101 TO 324.80199, THE COUNCIL 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 council may adopt an ordinance that designates
14 a violation of the ordinance as a municipal civil infraction and
15 provides a civil fine for that violation. An ordinance may not
16 designate a violation as a municipal civil infraction if that
17 violation may be designated as a civil infraction under
18 subsection (2) OR A STATE CIVIL INFRACTION UNDER SUBSECTION (3).
19 A statute may provide that a violation of a specific type of
20 ordinance is a municipal civil infraction whether or not the
21 ordinance designates the violation as a municipal civil
22 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 sections~~
7 ~~257.1 to 257.923~~ of the Michigan Compiled Laws THE MICHIGAN
8 VEHICLE CODE, 1949 PA 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 the violation of an ordinance other than an
10 ordinance described in subsection (2), ~~or~~ (3), OR (4), the
11 council may prescribe a fine or forfeiture not exceeding \$500.00,
12 unless a greater fine or forfeiture is authorized in this act, or
13 imprisonment not exceeding 180 days, or both, in the discretion
14 of the court, together with the costs of prosecution for each
15 violation of the ordinance; may provide that the offender, on
16 failing to pay a fine or forfeiture, or the costs of prosecution,
17 may be imprisoned for a term not exceeding 180 days unless pay-
18 ment is made before the expiration of the term; and may direct
19 the imprisonment to be in the county jail of the county within
20 which the city is located or in a prison or other place of con-
21 finement in the state as provided by law.

22 (7) ~~(6)~~ A sanction for the violation of an ordinance shall
23 be prescribed in the ordinance.

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

HB4490, As Passed House, April 8, 1997

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1 (a) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 00685'97 **).

3 (b) Senate Bill No. _____ or House Bill No. _____ (request
4 no. 00685'97 a **).

5 (c) Senate Bill No. _____ or House Bill No. _____ (request
6 no. 00685'97 b ***).

7 (d) Senate Bill No. _____ or House Bill No. _____ (request
8 no. 00685'97 c **).

9 (e) Senate Bill No. _____ or House Bill No. _____ (request
10 no. 00685'97 d **).

11 (f) Senate Bill No. _____ or House Bill No. _____ (request
12 no. 00685'97 e **).

13 (g) Senate Bill No. _____ or House Bill No. _____ (request
14 no. 00685'97 f **).

15 (h) Senate Bill No. _____ or House Bill No. _____ (request
16 no. 00685'97 h **).