

HOUSE BILL No. 4152

February 3, 1999, Introduced by Rep. Jammick and referred to the Committee on Criminal Law and Corrections.

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending section 2 of chapter VI (MCL 66.2), as amended by
1996 PA 41.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER VI

Sec. 2. (1) Except as otherwise provided in this act, the
council of a village authorized to pass an ordinance may pre-
scribe a sanction for a violation of the ordinance. If a sanc-
tion is prescribed, it shall be prescribed in the ordinance.

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

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

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

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

10 (3) The village council may adopt an ordinance that desig-
11 nates a violation of the ordinance as a municipal civil infrac-
12 tion and provides a civil fine for that violation. An ordinance
13 ~~may~~ SHALL not designate a violation as a municipal civil
14 infraction if that violation may be designated as a civil infrac-
15 tion under subsection (2). A statute may provide that a viola-
16 tion of a specific type of ordinance is a municipal civil infrac-
17 tion whether or not the ordinance designates the violation as a
18 municipal civil infraction.

19 (4) An ordinance shall not make an act or omission a munici-
20 pal civil infraction if that act or omission constitutes a crime
21 under any of the following:

22 (a) Article 7 or section 17766a of the public health code,
23 ~~Act No. 368 of the Public Acts of 1978, being sections 333.7101~~
24 ~~to 333.7545 and 333.17766a of the Michigan Compiled Laws~~ 1978
25 PA 368, MCL 333.7101 TO 333.7545 AND 333.17766A.

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

4 (c) ~~Act No. 300 of the Public Acts of 1949, being sections~~
5 ~~257.1 to 257.923 of the Michigan Compiled Laws.~~ THE MICHIGAN
6 VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923.

7 (d) The Michigan liquor control ~~act, Act No. 8 of the~~
8 ~~Public Acts of the Extra Session of 1933, being sections 436.1 to~~
9 ~~436.58 of the Michigan Compiled Laws~~ CODE OF 1998, 1998 PA 58,
10 MCL 436.1101 TO 436.2303.

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

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

19 (g) Part 821 ~~(snowmobiles)~~ of ~~Act No. 451 of the Public~~
20 ~~Acts of 1994, being sections 324.82101 to 324.82159 of the~~
21 ~~Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVIRONMEN-
22 TAL PROTECTION ACT, 1994 PA 451, MCL 324.82101 TO 324.82160.

23 (h) Part 811 ~~(off-road recreation vehicles)~~ of ~~Act No. 451~~
24 ~~of the Public Acts of 1994, being sections 324.81101 to 324.81150~~
25 ~~of the Michigan Compiled Laws~~ OF THE NATURAL RESOURCES AND ENVI-
26 RONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.81101 TO
27 324.81150.

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

5 (j) Any law of this state under which the act or omission is
 6 punishable by imprisonment for more than ~~90~~ 93 days.

7 (5) An ordinance not described in subsection (2) or (3) may
 8 provide that a ~~person who violates the ordinance is subject to~~
 9 ~~either, or both, of the following: (a) Punishment~~ VIOLATION OF
 10 THE ORDINANCE IS PUNISHABLE by imprisonment for not more than 90
 11 days or by a fine of not more than \$500.00, or both. HOWEVER,
 12 UNLESS OTHERWISE PROVIDED BY LAW, THE ORDINANCE MAY PROVIDE THAT
 13 A VIOLATION OF THE ORDINANCE IS PUNISHABLE BY IMPRISONMENT FOR
 14 NOT MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR
 15 BOTH, IF THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
 16 OF STATE LAW THAT IS A MISDEMEANOR FOR WHICH THE MAXIMUM PERIOD
 17 OF IMPRISONMENT IS 93 DAYS.

18 ~~(b) Payment of court costs.~~

19 Enacting section 1. This amendatory act does not take
 20 effect unless all of the following bills of the 90th Legislature
 21 are enacted into law:

22 (a) Senate Bill No. _____ or House Bill No. _____ (request
 23 no. 00939'99).

24 (b) Senate Bill No. _____ or House Bill No. _____ (request
 25 no. 00939'99 a).

26 (c) Senate Bill No. _____ or House Bill No. _____ (request
 27 no. 00939'99 b).

00939'99 d

1 (d) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 00939'99 c).