

# SENATE BILL No. 302

March 8, 2001, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to amend 1945 PA 246, entitled

"An act to authorize township boards to adopt ordinances and regulations to secure the public health, safety and general welfare; to provide for the establishment of a township police department; to provide for policing of townships by certain law enforcement officers and agencies; to provide for the publication of ordinances; to prescribe powers and duties of township boards and certain local and state officers and agencies; to provide sanctions; and to repeal all acts and parts of acts in conflict with the act,"

by amending section 3 (MCL 41.183), as amended by 1999 PA 59.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) The township board may provide in a township  
2 ordinance 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:

1 (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
2 257.923.

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

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

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

11 (4) ~~-(3)-~~ The township board may adopt an ordinance that  
12 designates a violation of the ordinance as a municipal civil  
13 infraction and provides a civil fine for that violation. An  
14 ordinance shall not designate a violation as a municipal civil  
15 infraction if that violation may be designated as a civil infrac-  
16 tion under subsection (2) OR A STATE CIVIL INFRACTION UNDER SUB-  
17 SECTION (3). A statute may provide that a violation of a spe-  
18 cific type of ordinance is a municipal civil infraction whether  
19 or not the ordinance designates the violation as a municipal  
20 civil infraction.

21 (5) ~~-(4)-~~ An ordinance shall not make an act or omission a  
22 municipal civil infraction if that act or omission constitutes a  
23 crime under any of the following:

24 (a) Article 7 or section 17766a of the public health code,  
25 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

26 (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to  
27 750.568.

1 (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to  
2 257.923.

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

5 (e) Part 801 of the natural resources and environmental pro-  
6 tection act, 1994 PA 451, 324.80101 to ~~324.80199~~ 324.80199H.

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

9 (g) Part 821 of the natural resources and environmental pro-  
10 tection act, 1994 PA 451, MCL 324.82101 to 324.82160.

11 (h) Part 811 of the natural resources and environmental pro-  
12 tection act, 1994 PA 451, MCL 324.81101 to 324.81150.

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

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

17 (6) ~~-(5)-~~ An ordinance not described in subsection (2), ~~or~~  
18 (3), OR (4) may provide a penalty for violation of the ordinance  
19 consisting of a fine not exceeding \$500.00 or imprisonment not  
20 exceeding 90 days, or both. However, unless otherwise provided  
21 by law, the ordinance may provide that a violation of the ordi-  
22 nance is punishable by imprisonment for not more than 93 days or  
23 a fine of not more than \$500.00, or both, if the violation sub-  
24 stantially corresponds to a violation of state law that is a mis-  
25 demeanor for which the maximum period of imprisonment is 93  
26 days.

1       (7) ~~—(6)—~~ An action for the violation of a township  
2 ordinance shall be instituted in the district court, unless the  
3 person alleged to have violated the ordinance admits responsibil-  
4 ity at a parking violations bureau or municipal ordinance viola-  
5 tion bureau as otherwise provided and authorized by law. Fines  
6 and costs imposed or assessed in such an action shall be distrib-  
7 uted in accordance with section 8379 of the revised judicature  
8 act of 1961, 1961 PA 236, MCL 600.8379.

9       Enacting section 1. This amendatory act does not take  
10 effect unless all of the following bills of the 91st Legislature  
11 are enacted into law:

12       (a) Senate Bill No. 299.

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14       (b) Senate Bill No. 300.

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16       (c) Senate Bill No. 301

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18       (d) Senate Bill No. 303.

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20       (e) Senate Bill No. 304.

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22       (f) Senate Bill No. 305.

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24       (g) Senate Bill No. 306.

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26       (h) Senate Bill No. 307.

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