

SENATE BILL No. 304

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

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
1999 PA 57.

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, 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 VILLAGE COUNCIL MAY ADOPT AN ORDINANCE THAT DES-
8 IGNATES 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 village council 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
17 SUBSECTION (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, MCL 324.80101 to ~~324.80199~~
7 324.80199H.

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

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

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

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

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

18 (6) ~~-(5)-~~ An ordinance not described in subsection (2), ~~or~~
19 (3), OR (4) may provide that a violation of the ordinance is pun-
20 ishable by imprisonment for not more than 90 days or by a fine of
21 not more than \$500.00, or both. However, unless otherwise pro-
22 vided by law, the ordinance may provide that a violation of the
23 ordinance is punishable by imprisonment for not more than 93 days
24 or a fine of not more than \$500.00, or both, if the violation
25 substantially corresponds to a violation of state law that is a
26 misdemeanor for which the maximum period of imprisonment is 93
27 days.

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

4 (a) Senate Bill No. 299.

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6 (b) Senate Bill No. 300.

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8 (c) Senate Bill No. 301.

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10 (d) Senate Bill No. 302.

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12 (e) Senate Bill No. 303.

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14 (f) Senate Bill No. 305.

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16 (g) Senate Bill No. 306.

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18 (h) Senate Bill No. 307.

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