

HOUSE BILL No. 4855

June 18, 2003, Introduced by Rep. Van Regenmorter and referred to the Committee on Criminal Justice.

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
4 township board may adopt an ordinance that designates a violation
5 of the ordinance as a civil infraction and provides a civil fine
6 for that violation:

7 (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to

1 257.923.

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

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

4 (3) The township board may adopt an ordinance that designates
5 a violation of the ordinance as a municipal civil infraction and
6 provides a civil fine for that violation. An ordinance shall not
7 designate a violation as a municipal civil infraction if that
8 violation may be designated as a civil infraction under
9 subsection (2). A statute may provide that a violation of a
10 specific type of ordinance is a municipal civil infraction
11 whether or not the ordinance designates the violation as a
12 municipal civil infraction.

13 (4) An ordinance shall not make an act or omission a
14 municipal civil infraction if that act or omission constitutes a
15 crime under any of the following:

16 (a) Article 7 or section 17766a of the public health code,
17 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

18 (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to
19 750.568.

20 (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to
21 257.923.

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

24 (e) Part 801 of the natural resources and environmental
25 protection act, 1994 PA 451, 324.80101 to 324.80199.

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

1 (g) Part 821 of the natural resources and environmental
2 protection act, 1994 PA 451, MCL 324.82101 to 324.82160.

3 (h) Part 811 of the natural resources and environmental
4 protection act, 1994 PA 451, MCL 324.81101 to 324.81150.

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

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

9 (5) An ordinance not described in subsection (2) or (3) may
10 provide a penalty for violation of the ordinance consisting of a
11 fine not exceeding \$500.00 or imprisonment not exceeding 90 days,
12 or both. However, unless otherwise provided by law, the
13 ordinance may provide that a violation of the ordinance is
14 punishable by imprisonment for not more than 93 days or a fine
15 ~~of not more than \$500.00~~ **consistent with state law**, or both, if
16 the violation substantially corresponds to a violation of state
17 law that is a misdemeanor for which the maximum period of
18 imprisonment is 93 days.

19 (6) An action for the violation of a township ordinance shall
20 be instituted in the district court, unless the person alleged to
21 have violated the ordinance admits responsibility at a parking
22 violations bureau or municipal ordinance violation bureau as
23 otherwise provided and authorized by law. Fines and costs
24 imposed or assessed in such an action shall be distributed in
25 accordance with section 8379 of the revised judicature act of
26 1961, 1961 PA 236, MCL 600.8379.