

HOUSE BILL No. 4858

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

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending section 2 (MCL 66.2), as amended by 1999 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (2) Consistent with any of the following statutes, the
6 village council may adopt an ordinance that designates a
7 violation of the ordinance as a civil infraction and provides a
8 civil fine for that violation:

9 (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to
10 257.923.

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

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

(3) The village council may adopt an ordinance that designates a violation of the ordinance as a municipal civil infraction and provides a civil fine for that violation. An ordinance shall not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (2). A statute may provide that a violation of a specific type of ordinance is a municipal civil infraction whether or not the ordinance designates the violation as a municipal civil infraction.

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

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

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

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

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

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

(f) The aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.1 to 259.208. of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160.

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 that a violation of the ordinance is punishable by
11 imprisonment for not more than 90 days or by a fine of not more
12 than \$500.00, or both. However, unless otherwise provided by
13 law, the ordinance may provide that a violation of the ordinance
14 is 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.