

# SENATE BILL No. 621

October 21, 1989, Introduced by Senators CARL, MACK, N. SMITH, GAST, SHINKLE, DI NELLO, WELBORN, CROPSEY, GEAKE and SCHWARZ and referred to the Committee on Local Government and Veterans.

A bill to amend section 2 of chapter IX of Act No. 215 of the Public Acts of 1895, entitled as amended

"An act to provide for the incorporation of cities of the fourth class; to provide for the vacation of the incorporation thereof; to define the powers and duties of such cities and the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by cities; to define the application of this act and provide for its amendment by cities subject thereto, and to validate such prior amendments and certain prior actions taken and bonds issued by such cities,"

being section 89.2 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Section 1. Section 2 of chapter IX of Act No. 215 of the
- 2 Public Acts of 1895, being section 89.2 of the Michigan Compiled
- 3 Laws, is amended to read as follows:

## CHAPTER IX

1  
2       Sec. 2. (1) ~~When, by the provisions of this act, the~~ THE  
3 council of ~~any~~ A city ~~has authority to pass ordinances for any~~  
4 ~~purpose they~~ may prescribe fines, penalties, and forfeitures  
5 ~~not exceeding 500 dollars (unless a greater fine or penalty is~~  
6 ~~herein authorized), or imprisonment not exceeding 6 months or~~  
7 ~~both in the discretion of the court,~~ FOR THE VIOLATION OF A CITY  
8 ORDINANCE. EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, THE PENALTY  
9 FOR A VIOLATION OF A CITY ORDINANCE SHALL NOT EXCEED A FINE OF  
10 \$500.00, OR IMPRISONMENT FOR 6 MONTHS, OR BOTH, together with the  
11 costs of prosecution for each violation of ~~any of said ordi-~~  
12 ~~nances, and~~ THE ORDINANCE. AN ORDINANCE may provide that ~~the~~  
13 ~~offender, on failing~~ A PERSON WHO FAILS to pay ~~any such~~ A  
14 fine, penalty, or forfeiture, ~~and~~ OR the costs of prosecution,  
15 may be imprisoned for any term not ~~exceeding~~ TO EXCEED 6  
16 months, ~~unless payment thereof be sooner made, and may direct~~  
17 ~~such imprisonment to be in the city prison, or in the county jail~~  
18 ~~of the county within which the city is located, or in such other~~  
19 ~~prison or place of confinement in the state as provided by law.~~  
20 ~~Such~~ OR UNTIL THE FINE, PENALTY, FORFEITURE, OR COSTS OF PROSE-  
21 CUTION ARE PAID. THE fine, penalty, forfeiture, ~~and~~ OR TERM OF  
22 imprisonment ~~—~~ for the violation of ~~any~~ AN ordinance ~~—~~  
23 shall be prescribed ~~therein~~ IN THE ORDINANCE.

24       (2) A CITY SHALL NOT ENACT OR ENFORCE AN ORDINANCE THAT  
25 IMPOSES A FINE OR TERM OF IMPRISONMENT THAT IS LESS THAN THE FINE  
26 OR TERM OF IMPRISONMENT IMPOSED BY STATE LAW FOR CONDUCT  
27 PROSCRIBED BY SECTION 7401, 7402, 7403, 7404, 7405, 7407, 7410,

1 OR 7413 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS  
2 OF 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, 333.7404,  
3 333.7405, 333.7407, 333.7410, AND 333.7413 OF THE MICHIGAN  
4 COMPILED LAWS.

5 (3) SUBSECTION (2) DOES NOT AUTHORIZE A CITY TO ENACT OR  
6 ENFORCE AN ORDINANCE THAT IMPOSES A FINE, PENALTY, OR FORFEITURE  
7 GREATER THAN IS AUTHORIZED UNDER SUBSECTION (1).

8 Section 2. This amendatory act shall not take effect unless  
9 all of the following bills of the 85th Legislature are enacted  
10 into law:

11 (a) Senate Bill No. 622.

12

13 (b) Senate Bill No. 623.

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15 (c) Senate Bill No. 624.

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17 (d) Senate Bill No. 625.

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