

SENATE BILL No. 623

October 18, 1989, Introduced by Senators CARL, SHINKLE, GEAKE, SCHWARZ and WELBORN and referred to the Committee on Local Government and Veterans.

A bill to amend section 3 of Act No. 246 of the Public Acts of 1945, entitled as amended

"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 the county sheriff; to provide for the publication of ordinances; to prescribe powers and duties of township boards; to provide penalties; and to repeal all acts and parts of acts in conflict therewith,"

being section 41.183 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 246 of the Public Acts of
2 1945, being section 41.183 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. (1) The township board may, in ~~such ordinances~~ A
5 TOWNSHIP ORDINANCE, provide a penalty for A violation ~~thereof,~~
6 ~~of a fine not exceeding~~ OF THAT ORDINANCE. THE PENALTY FOR A
7 VIOLATION OF A TOWNSHIP ORDINANCE SHALL NOT EXCEED A FINE OF

1 \$500.00, or ~~by imprisonment in the county jail not to exceed~~
2 FOR 90 days, or ~~by both. such fine and imprisonment.~~

3 (2) If the township lies within a district served by 1 or
4 more municipal courts, ~~prosecutions~~ THE PROSECUTION for ~~the~~ A
5 violation of ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be
6 instituted in ~~any one of the~~ A municipal ~~courts~~ COURT of the
7 district. ~~, and in such cases the~~ THE same right to appeal to
8 the circuit ~~courts~~ COURT shall exist FOR THE VIOLATION OF A
9 TOWNSHIP ORDINANCE as ~~in cases of violations of the~~ EXISTS FOR
10 A VIOLATION OF state law cognizable by the municipal court. ~~in~~
11 ~~which the prosecution is instituted. Fines, penalties and~~
12 ~~forfeitures~~ A FINE, PENALTY, OR FORFEITURE FOR A VIOLATION OF A
13 TOWNSHIP ORDINANCE shall be payable in the same manner, and to
14 the same fund, as ~~fines~~ A FINE for the violation of ~~the laws~~
15 ~~of the~~ A LAW OF THIS state. Costs shall be paid and reported by
16 ~~such~~ A municipal ~~courts~~ COURT in the same manner as ~~is~~
17 ~~provided~~ for offenses under state law. ~~where the prosecution~~
18 ~~is instituted in a municipal court.~~

19 (3) If the township lies within a district served by the
20 district court, ~~prosecutions~~ A PROSECUTION for ~~the~~ A viola-
21 tion of ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be insti-
22 tuted in the district court, unless the person accused of violat-
23 ing ~~such an~~ THE ordinance enters a plea of guilty before a mag-
24 istrate or a traffic bureau as ~~otherwise~~ provided and autho-
25 rized by law. Fines and costs imposed or assessed ~~in such an~~
26 ~~action~~ FOR THE VIOLATION OF A TOWNSHIP ORDINANCE shall be
27 distributed in accordance with section 8379 of THE REVISED

1 JUDICATURE ACT OF 1961, Act No. 236 of the Public Acts of 1961,
2 as added, being section 600.8379 of the MICHIGAN Compiled Laws.
3 ~~of 1948.~~

4 (4) A TOWNSHIP SHALL NOT ENACT OR ENFORCE AN ORDINANCE THAT
5 IMPOSES A FINE OR TERM OF IMPRISONMENT THAT IS LESS THAN THE FINE
6 OR TERM OF IMPRISONMENT IMPOSED BY STATE LAW FOR CONDUCT PRO-
7 SCRIBED BY SECTION 7401, 7402, 7403, 7404, 7405, 7407, 7410, OR
8 7413 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
9 1978, BEING SECTIONS 333.7401, 333.7402, 333.7403, 333.7404,
10 333.7405, 333.7407, 333.7410, AND 333.7413 OF THE MICHIGAN
11 COMPILED LAWS.

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

15 (a) Senate Bill No. 621.

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17 (b) Senate Bill No. 622.

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19 (c) Senate Bill No. 624.

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21 (d) Senate Bill No. 625.

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