

HOUSE BILL No. 4921

September 8, 2011, Introduced by Reps. Heise and Byrum and referred to the Committee on Judiciary.

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 21 (MCL 42.21), as amended by 1999 PA 58.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21. (1) The township board shall provide in each
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
8 257.923.

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

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

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

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

13 (a) Article 7 ~~or section 17766a~~ of the public health code,
14 1978 PA 368, MCL 333.7101 to 333.7545. ~~and 333.17766a.~~

15 (b) The Michigan penal code, 1931 PA 328, MCL 750.1 to
16 750.568.

17 (c) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to
18 257.923.

19 (d) The Michigan liquor control code of 1998, 1998 PA 58, MCL
20 436.1101 to 436.2303.

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

23 (f) The aeronautics code of the state of Michigan, 1945 PA
24 327, MCL 259.1 to 259.208.

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

27 (h) Part 811 of the natural resources and environmental

1 protection act, 1994 PA 451, MCL 324.81101 to 324.81150.

2 (i) Sections 351 to 365 of the railroad code of 1993, 1993 PA
3 354, MCL 462.351 to 462.365.

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

6 (5) For an ordinance not described in subsection (2) or (3),
7 punishment for a violation of the ordinance shall not exceed a fine
8 of \$500.00 or imprisonment for 90 days, or both. However, unless
9 otherwise provided by law, the ordinance may provide that a
10 violation of the ordinance is punishable by imprisonment for not
11 more than 93 days or a fine of not more than \$500.00, or both, if
12 the violation substantially corresponds to a violation of state law
13 that is a misdemeanor for which the maximum period of imprisonment
14 is 93 days. **IN ADDITION, A CHARTER TOWNSHIP MAY ADOPT SECTION**
15 **625(1)(C) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625,**
16 **BY REFERENCE IN AN ADOPTING ORDINANCE AND SHALL PROVIDE THAT A**
17 **VIOLATION OF THAT ORDINANCE IS A MISDEMEANOR PUNISHABLE BY 1 OR**
18 **MORE OF THE FOLLOWING:**

19 (A) **COMMUNITY SERVICE FOR NOT MORE THAN 360 HOURS.**

20 (B) **IMPRISONMENT FOR NOT MORE THAN 180 DAYS.**

21 (C) **A FINE OF NOT LESS THAN \$200.00 OR MORE THAN \$700.00.**

22 (6) Fines collected for the violation of the ordinances of a
23 charter township shall be distributed as provided in section 8379
24 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379.