

HOUSE BILL No. 6259

November 5, 1998, Introduced by Rep. Varga and referred to the Committee on Regulatory Affairs.

A bill to amend 1851 PA 156, entitled

"An act to define the powers and duties of the county boards of commissioners of the several counties, and to confer upon them certain local, administrative and legislative powers; and to prescribe penalties for the violation of the provisions of this act,"

by amending section 10b (MCL 46.10b), as amended by 1998 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 10b. (1) Except for an ordinance described in subsec-
2 tion (2) or (3), the violation of an ordinance adopted pursuant
3 to section 11(j) shall be punishable by a fine of not more than
4 \$500.00 or imprisonment for not more than 90 days, or both.

5 (2) Consistent with 1945 PA 58, MCL 46.201, the county board
6 of commissioners may adopt an ordinance that designates a viola-
7 tion of the ordinance as a civil infraction and provides a civil
8 fine for that violation.

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

10 (4) An ordinance shall not make an act or omission a municipi-
11 pal civil infraction if that act or omission constitutes a crime
12 under 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 ~~act, 1933 (Ex Sess) PA 8,~~
20 ~~MCL 436.1 to 436.58~~ CODE OF 1998, 1998 PA 58, MCL 436.1101 TO
21 436.2303.

22 (e) Part 801 of the natural resources and environmental pro-
23 tection act, 1994 PA 451, MCL 324.80101 to 324.80199.

24 (f) The aeronautics code of the state of Michigan, 1945 PA
25 327, MCL 259.1 to 259.208.

26 (g) Part 821 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.82101 to 324.82159.

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

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

5 (j) A law of this state under which the act or omission is
6 punishable by imprisonment for more than 90 days.