

THE CHARTER TOWNSHIP ACT (EXCERPT)
Act 359 of 1947

42.21 Violation of ordinances; sanction; designation as civil infraction; act or omission constituting crime; penalty; distribution of fines.

Sec. 21.

- (1) The township board shall provide in each ordinance a sanction for violation of the ordinance.
- (2) Consistent with any of the following statutes, the township board may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation:
 - (a) The Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.
 - (b) 1969 PA 235, MCL 257.941 to 257.943.
 - (c) 1956 PA 62, MCL 257.951 to 257.955.
- (3) The township board 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 of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545.
 - (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.
 - (g) Part 821 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.82101 to 324.82160.
 - (h) Part 811 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.81101 to 324.81150.
 - (i) Sections 351 to 365 of the railroad code of 1993, 1993 PA 354, MCL 462.351 to 462.365.
- (j) Any law of this state under which the act or omission is punishable by imprisonment for more than 93 days.
- (5) For an ordinance not described in subsection (2) or (3), punishment for a violation of the ordinance shall not exceed a fine of \$500.00 or imprisonment for 90 days, or both. However, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. In addition, a charter township may adopt section 625(1)(c) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is a misdemeanor punishable by 1 or more of the following:
 - (a) Community service for not more than 360 hours.
 - (b) Imprisonment for not more than 180 days.
 - (c) A fine of not less than \$200.00 or more than \$700.00.
- (6) Fines collected for the violation of the ordinances of a charter township shall be distributed as provided in section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379.

History: 1947, Act 359, Eff. Oct. 11, 1947 ;-- CL 1948, 42.21 ;-- Am. 1949, Act 70, Eff. Sept. 23, 1949 ;-- Am. 1978, Act 553, Imd. Eff. Dec. 22, 1978 ;-- Am. 1994, Act 13, Eff. May 1, 1994 ;-- Am. 1996, Act 36, Imd. Eff. Feb. 26, 1996 ;-- Am. 1999, Act 58, Eff. Oct. 1, 1999 ;-- Am. 2012, Act 8, Imd. Eff. Feb. 15, 2012