



SENATE BILL No. 415

February 18, 1993, Introduced by Senators EHLERS, GEAKE,
MC MANUS, DI NELLO and POLLACK and referred to the
Committee on Local Government and Urban Development.

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 reg-
ulations 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 certain law enforcement
officers and agencies; to provide for the publication of ordi-
nances; to prescribe powers and duties of township boards and
certain local and state officers and agencies; to provide penal-
ties; 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~~
5 provide IN A TOWNSHIP ORDINANCE a penalty for violation ~~thereof,~~
6 ~~of a fine not exceeding \$500.00, or by imprisonment in the county~~

1 ~~jail not to exceed 90 days, or by both such fine and~~
 2 ~~imprisonment~~ OF THE ORDINANCE. THE PENALTY SHALL NOT EXCEED A
 3 FINE OF \$500.00 OR IMPRISONMENT FOR 90 DAYS, OR BOTH. IF THE USE
 4 OF A MOTORIZED VEHICLE ON A RECREATIONAL TRAIL RESERVED FOR NON-
 5 MOTORIZED TRAVEL IS AN ELEMENT OF THE VIOLATION OF THE ORDINANCE,
 6 ALL OF THE FOLLOWING APPLY:

7 (A) IN ADDITION TO THE OTHER SANCTIONS PROVIDED FOR IN THIS
 8 SUBSECTION, A COURT OF COMPETENT JURISDICTION MAY ORDER A PERSON
 9 TO RESTORE, AS NEARLY AS POSSIBLE, ANY LAND, WATER, STREAM BANK,
 10 STREAMBED, OR OTHER NATURAL OR GEOGRAPHIC FORMATION DAMAGED BY
 11 THE VIOLATION OF THE ORDINANCE TO THE CONDITION IT WAS IN BEFORE
 12 THE VIOLATION OCCURRED.

13 (B) A PEACE OFFICER MAY IMPOUND THE MOTORIZED VEHICLE.

14 (C) A COURT OF COMPETENT JURISDICTION MAY ORDER THE MOTOR-
 15 IZED VEHICLE AND ANY PERSONAL PROPERTY ON THE MOTORIZED VEHICLE
 16 SEIZED AS A RESULT OF THE VIOLATION RETURNED TO THE OWNER OR, IN
 17 ADDITION TO THE OTHER SANCTIONS PROVIDED FOR IN THIS SUBSECTION
 18 AND UPON RECOMMENDATION OF THE PROSECUTING ATTORNEY FOR THE TOWN-
 19 SHIP, FORFEITED TO THE TOWNSHIP.

20 (2) If the township lies within a district served by 1 or
 21 more municipal courts, ~~prosecutions~~ A PROSECUTION for the vio-
 22 lation of ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be insti-
 23 tuted in any one of the municipal courts of the district. ~~and~~
 24 ~~in~~ IN such ~~eases~~ A CASE, the same right to appeal to the cir-
 25 cuit ~~courts shall exist~~ COURT EXISTS as in ~~eases of~~
 26 ~~violations~~ THE CASE OF A VIOLATION of ~~the~~ state law cognizable
 27 by the municipal court in which the prosecution is instituted.

1 Fines, penalties, and forfeitures ~~shall be~~ ARE payable in the
2 same manner and to the same fund as fines for the violation of
3 ~~the laws of the~~ state LAW. Costs shall be paid and reported by
4 ~~such~~ THE municipal ~~courts~~ COURT in the same manner as is pro-
5 vided for ~~offenses~~ AN OFFENSE under state law where the prose-
6 cution is instituted in a municipal court.

7 (3) If the township lies within a district served by the
8 district court, ~~prosecutions~~ A PROSECUTION for the violation of
9 ~~such ordinances~~ A TOWNSHIP ORDINANCE shall be instituted in the
10 district court, unless the person accused of violating ~~such an~~
11 THE ordinance enters a plea of guilty before a magistrate or a
12 traffic bureau as otherwise provided and authorized by law.
13 Fines and costs imposed or assessed in such an action shall be
14 distributed in accordance with section 8379 of THE REVISED JUDI-
15 CATURE ACT OF 1961, Act No. 236 of the Public Acts of 1961, ~~as~~
16 ~~added,~~ being section 600.8379 of the MICHIGAN Compiled Laws.
17 ~~of 1948.~~