

**CIVIL INFRACTIONS, VIOLATIONS, AND
DISPUTE RESOLUTION**

**TOWNSHIP ORDINANCES (EXCERPT)
Act 246 of 1945**

41.183 Sanctions for violations; designation of violation as civil infraction; civil fine; penalty; act or omission constituting crime; institution of action in district court; distribution of fines and costs.

Sec. 3. (1) The township board may provide in a township 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 257.954.

(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 or section 17766a of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.
 - (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, 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) An ordinance not described in subsection (2) or (3) may provide a penalty for violation of the ordinance consisting of a fine not exceeding \$500.00 or imprisonment not exceeding 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.

(6) An action for the violation of a township ordinance shall be instituted in the district court, unless the person alleged to have violated the ordinance admits responsibility at a parking violations bureau or municipal ordinance violation bureau as otherwise provided and authorized by law. Fines and costs imposed or assessed in such an action shall be distributed in accordance with section 8379 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8379.

History: 1945, Act 246, Eff. Sept. 6, 1945 ;-- CL 1948, 41.183 ;-- Am. 1969, Act 335, Imd. Eff. Nov. 10, 1969 ;-- Am. 1994, Act 14, Eff. May 1, 1994 ;-- Am. 1996, Act 34, Imd. Eff. Feb. 26, 1996 ;-- Am. 1999, Act 59, Eff. Oct. 1, 1999

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 257.954.

(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 or section 17766a of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

(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.

(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

CHARTER COUNTIES (EXCERPT) **Act 293 of 1966**

45.515a Ordinance; designation of violation as civil infraction; civil fine; act or omission constituting crime.

Sec. 15a. (1) Consistent with Act No. 58 of the Public Acts of 1945, being section 46.201 of the Michigan Compiled Laws, and whether or not authorized by the county charter, the county board of commissioners of a county established under this act may adopt an ordinance that designates a violation of the ordinance as a civil infraction and provides a civil fine for that violation.

(2) Whether or not authorized by the county charter, the county board of commissioners 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 may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (1). 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.

(3) 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 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7101 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

(b) The Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.1 to 750.568 of the Michigan Compiled Laws.

(c) The Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(d) The Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(e) Part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.

(f) The aeronautics code of the state of Michigan, Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws.

(g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.

(h) Part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.

(i) Sections 351 to 365 of the railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.351 to 462.365 of the Michigan Compiled Laws.

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

History: Add. 1994, Act 20, Eff. May 1, 1994 ;-- Am. 1996, Act 37, Imd. Eff. Feb. 26, 1996

COUNTY BOARDS OF COMMISSIONERS (EXCERPT)
Act 156 of 1851

46.10b Violation of ordinances; penalty; designation as civil infraction; act or omission constituting crime.

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

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

(3) The county board of commissioners 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 may 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 or section 17766a of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

(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 act, 1933 (Ex Sess) PA 8, MCL 436.1 to 436.58.
- (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 324.82159.
- (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) A law of this state under which the act or omission is punishable by imprisonment for more than 90 days.

History: Add. 1994, Act 18, Eff. May 1, 1994 ;-- Am. 1996, Act 40, Imd. Eff. Feb. 26, 1996 ;-- Am. 1998, Act 97, Imd. Eff. May 15, 1998

THE GENERAL LAW VILLAGE ACT (EXCERPT)
Act 3 of 1895

66.2 Violation of ordinance; sanction; designation as civil infraction; civil fine; act or omission constituting crime; penalty.

Sec. 2. (1) Except as otherwise provided in this act, the council of a village authorized to pass an ordinance may prescribe a sanction for a violation of the ordinance. If a sanction is prescribed, it shall be prescribed in the ordinance.

(2) Consistent with any of the following statutes, the village council 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 257.954.

(3) The village council 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 or section 17766a of the public health code, 1978 PA 368, MCL 333.7101 to 333.7545 and 333.17766a.

(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 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) An ordinance not described in subsection (2) or (3) may provide that a violation of the ordinance is punishable by imprisonment for not more than 90 days or by a fine of not more than \$500.00, 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.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2756 ;-- CL 1915, 2627 ;-- CL 1929, 1536 ;-- CL 1948, 66.2 ;-- Am. 1979, Act 36, Imd. Eff. June 20, 1979 ;-- Am. 1994, Act 16, Eff. May 1, 1994 ;-- Am. 1996, Act 41, Imd. Eff. Feb. 26, 1996 ;-- Am. 1999, Act 57, Eff. Oct. 1, 1999

66.3 Record of ordinances; authentication.

Sec. 3. Upon enactment, each ordinance shall be recorded by the clerk of the council in a book to be called "the record of ordinances," and the president and clerk shall authenticate each ordinance by placing his or her official signature upon the ordinance.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895 ;-- CL 1897, 2757 ;-- CL 1915, 2628 ;-- CL 1929, 1537 ;-- CL 1948, 66.3 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

66.3a Codification of ordinances.

Sec. 3a. A village may codify, recodify, and continue in code the village's ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code and ordinances repealing, amending, continuing, or adding to the code shall be published as required by section 4 of this chapter. The publication shall state where a copy of the entire code can be reviewed and obtained. The ordinance adopting the code may amend, repeal, revise, or rearrange ordinances or parts of ordinances by references to the title only.

History: Add. 1979, Act 18, Imd. Eff. May 24, 1979 ;-- Am. 1998, Act 255, Imd. Eff. July 13, 1998

**THE HOME RULE VILLAGE ACT (EXCERPTS)
Act 278 of 1909**

78.2 Incorporation, detachment or addition of territory, or consolidation; petition; signatures; incorporation of summer resort association; proceedings; certification; appointment, oath, duties, and compensation of enumerators; sworn statement; “qualified electors” defined.

Sec. 2. Villages may be incorporated or territory detached therefrom or added thereto, or consolidation made of 2 or more villages into 1 village by proceedings originating by petition therefor signed by qualified electors residing within the cities, villages, or townships to be affected thereby, to a number not less than 1% of the population of the territory affected thereby according to the last preceding United States census, which number shall in no case be less than 100. If all or any part of the district proposed to be incorporated, annexed, or detached has been subdivided into 1 or more subdivisions, the plat or plats of which have been recorded in the register of deeds' office of the proper county, the petition therefor shall be signed by qualified electors residing within each such subdivision and by qualified electors residing within the unsubdivided portion, if any, of such district to a number in each case of not less than 1% of the population of each such subdivision and of such unsubdivided portion of such district, such population to be determined as of the date on which the first signature to such petition shall be obtained. If there are no qualified electors residing within the district

proposed to be annexed or detached, or within a subdivided or unsubdivided portion of such a district then such petition shall be signed by persons who collectively hold equitable title as vendees under a recorded land contract or memorandum of land contract, or record legal title to more than 1/2 the area of the land, exclusive of streets, lying within such district, or subdivided portion of such district, at the time the first signature to such petition is obtained, and also by qualified electors in the remainder of the district to be affected by such annexation or detachment, to the number hereinbefore provided. If a summer resort association has been incorporated and has existed for 2 consecutive years under Act No. 230 of the Public Acts of 1897, as amended, being sections 455.1 to 455.24 of the Michigan Compiled Laws, and such association having a number of legal voters of not less than 30 residing within such territory, the same may be incorporated as a village as hereinafter provided. Signatures of land owners as above provided shall be followed by a description of the land and area thereof. In proceedings for the incorporation of a new village or the consolidation of 2 or more villages into 1 village, a petition signed by not less than 20 qualified electors who are freeholders residing within the territory proposed to be incorporated or consolidated, praying for the taking of a census of the inhabitants of the territory affected thereby, may be filed with the county clerk of the county in which the territory is located. The county clerk within 5 days after the filing of the petition shall certify to the president of each village and supervisor of each township affected thereby, and to the secretary of state, that the petition has been so filed. Within 5 days after the service of the certificate, the secretary of state shall appoint enumerators to enumerate the inhabitants of each village proposed to be incorporated, or a consolidation made thereof. Before entering upon the duties of office, each enumerator shall take and subscribe to the constitutional oath of office before some officer authorized to administer oaths and file the same with the secretary of state and with the county clerk in which the territory is located. Each enumerator shall enumerate all of the bona fide inhabitants of the village or township, territory or portion thereof assigned to the enumerator by the secretary of state, and shall visit each house or dwelling and obtain the names of each known resident thereof. Each enumerator shall receive for his or her services not to exceed \$5.00 per day, together with actual and necessary expenses

therefor, which sum shall be paid by the village or township within which the services of the enumerator were rendered. Upon completing the enumeration it shall be the duty of the persons so appointed to make a return in duplicate of the enumeration showing the names of the inhabitants of each village or township, territory or district to the county clerk and to the secretary of state. No enumeration or census shall be conducted in any village or township, or portion thereof, within 2 years of the date of the last enumeration in the territory. Every enumeration shall be conducted under the general supervision and control of the secretary of state who shall make rules and regulations in accordance with the the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws, for the purpose of carrying out this section. If a petition is signed by land owners in the case of a district which is proposed to be annexed or detached in which there are no qualified electors residing, as above provided, then a sworn statement shall also accompany such petition giving the total area of the land, exclusive of streets, included within such uninhabited district to be annexed or detached, or such subdivided or unsubdivided portion thereof. The term “qualified electors” as used in this section as applied to persons residing within unsubdivided portions of the district shall include only such electors who are owners of property assessed for taxes within the unsubdivided portions of the district.

History: 1909, Act 278, Eff. Sept. 1, 1909 ;-- CL 1915, 2844 ;-- Am. 1927, Act 159, Imd. Eff. May 12, 1927 ;-- Am. 1929, Act 251, Eff. Aug. 28, 1929 ;-- CL 1929, 1764 ;-- Am. 1941, Act 291, Eff. Jan. 10, 1942 ;-- CL 1948, 78.2 ;-- Am. 1958, Act 140, Eff. Sept. 13, 1958 ;-- Am. 1984, Act 430, Eff. Mar. 29, 1985

78.24 Village charter; permissible provisions.

Sec. 24. A village may provide in its charter for 1 or more of the following:

- (a) The regulation of a trade, occupation, or amusement within the village's boundaries, including the sale of intoxicating liquor and the number of licenses to be issued for the sale of intoxicating liquor. A charter shall not permit the sale of liquor in a county in which the sale is

prohibited by operation of the general local option law of this state, but may suppress saloons for the sale of intoxicating liquor.

(b) The punishment of a person who violates an ordinance of the village other than an ordinance described in section 25a. The penalty for a violation of such an 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.

(c) The establishment of a department considered necessary for the general welfare of the village and for the separate incorporation of the village. This subdivision does not apply to a public school.

(d) The use and enjoyment of the surface of a street of the village and the space above and beneath the street.

(e) The assessment and reassessment of the cost, or a portion of the cost, of a public improvement to a special district. The payment of a future installment of a special assessment against a parcel of land may be made at any time in full, with interest accrued to the due date of the next installment.

(f) The purchase of private property for a public use or purpose within the scope of the powers of the village.

(g) The sale and delivery of water outside the corporate limits of the village in an amount determined by the legislative body of the village.

(h) The purchase of land outside the corporate limits of the village if necessary for the disposal of sewage and garbage or for a purpose authorized by the state constitution of 1963 or the law of this state.

(i) The use, upon the payment of reasonable compensation by persons other than the owner, of property located in a street, alley, or public place if the property is used in the operation of a public utility.

(j) A plan of streets and alleys within the village's limits.

(k) The use, control, and regulation of a stream, water, or watercourse within the village's boundaries, but not so as to conflict with a law, or action under a law, by which a navigable stream is bridged or dammed.

(l) The enforcement of each police, sanitary, or other ordinance that is not in conflict with the law of this state.

(m) The exercise of each municipal power in the management and control of village property and the administration of the village government, whether the power is expressly enumerated in this act or not; an act to advance the interest of the village, and the good government and prosperity of the village and its inhabitants; and the making of ordinances that are necessary and proper for carrying into execution the powers conferred by this act, and other powers vested by the state constitution of 1963 in villages, except if forbidden by or if the subject is covered exclusively by the law of this state.

(n) The sale and delivery of heat, power, and light outside the village's corporate limits in an amount determined by the legislative body of the village, except that a sale at other than wholesale shall be limited to the area of a city, village, or township that is contiguous to the village as of June 23, 1974, and to the area of any other city, village, or township being served as of June 23, 1974. However, a village shall not sell heat, power, or light to a customer outside the village's corporate limits already receiving the service from another utility unless the serving utility consents in writing. For purposes of this subdivision, "wholesale" means the sale or exchange of heat, power, or light between public utility systems, whether municipally, cooperatively, or privately owned.

History: 1909, Act 278, Eff. Sept. 1, 1909 ;-- CL 1915, 2866 ;-- CL 1929, 1786 ;-- CL 1948, 78.24 ;-- Am. 1955, Act 60, Eff. Oct. 14, 1955 ;-- Am. 1974, Act 174, Imd. Eff. June 23, 1974 ;-- Am. 1978, Act 28, Imd. Eff. Feb. 24, 1978 ;-- Am. 1979, Act 37, Imd.

Eff. June 20, 1979 ;-- Am. 1994, Act 15, Eff. May 1, 1994 ;-- Am. 1999, Act 56, Eff. Oct. 1, 1999

78.24a Codification of ordinances.

Sec. 24a. Each village shall have the power, whether provided in its charter or not, to codify, recodify, and continue in code the village's municipal ordinances, in whole or in part, without the necessity of publishing the entire code in full. The ordinance adopting the code and ordinances repealing, amending, continuing, or adding to the code shall be published as required by law provided that notification states where a copy of the entire code can be reviewed and obtained. The ordinance adopting the code may amend, repeal, revise, or rearrange ordinances or parts of ordinances by references to the title only.

History: Add. 1979, Act 17, Imd. Eff. May 24, 1979

78.25a Ordinance; designation of violation as civil infraction; civil fine; act or omission constituting crime.

Sec. 25a. (1) Consistent with any of the following statutes and whether or not authorized by the village charter, the village council 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, Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(b) Act No. 235 of the Public Acts of 1969, being sections 257.941 to 257.943 of the Michigan Compiled Laws.

(c) Act No. 62 of the Public Acts of 1956, being sections 257.951 to 257.954 of the Michigan Compiled Laws.

(2) Whether or not authorized by the village charter, the village council 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 may not designate a violation as a municipal civil infraction if that violation may be designated as a civil infraction under subsection (1). 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.

(3) 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 or section 17766a of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.7101 to 333.7545 and 333.17766a of the Michigan Compiled Laws.

(b) The Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.1 to 750.568 of the Michigan Compiled Laws.

(c) Act No. 300 of the Public Acts of 1949, being sections 257.1 to 257.923 of the Michigan Compiled Laws.

(d) The Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being sections 436.1 to 436.58 of the Michigan Compiled Laws.

(e) Part 801 (marine safety) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199 of the Michigan Compiled Laws.

(f) The aeronautics code of the state of Michigan, Act No. 327 of the Public Acts of 1945, being sections 259.1 to 259.208 of the Michigan Compiled Laws.

(g) Part 821 (snowmobiles) of Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82159 of the Michigan Compiled Laws.

(h) Part 811 (off-road recreation vehicles) of Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws.

(i) Sections 351 to 365 of the railroad code of 1993, Act No. 354 of the Public Acts of 1993, being sections 462.351 to 462.365 of the Michigan Compiled Laws.

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

History: Add. 1994, Act 15, Eff. May 1, 1994 ;-- Am. 1996, Act 42, Imd. Eff. Feb. 26, 1996

THE HOME RULE CITY ACT (EXCERPTS)
Act 279 of 1909

117.41 Ordinance; designation as civil infraction or blight violation; civil fine; act or omission constituting crime.

Sec. 4l. (1) Consistent with any of the following statutes and whether or not authorized by the city charter, the legislative body of a city 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.

(2) Whether or not authorized by the city charter, the legislative body of a city 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 (1). 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.

(3) An ordinance shall not make an act or omission a municipal civil infraction or a blight violation 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 90 days.

(4) Whether or not authorized by the city charter, the legislative body of a city may adopt an ordinance that designates a violation of the ordinance as a blight violation and provides a civil fine and other sanctions for that violation consistent with section 4q. An ordinance shall not designate a violation as a blight violation if that violation may be

designated a civil infraction under subsection (1). An ordinance shall not designate a violation as both a municipal civil infraction and a blight violation.

History: Add. 1994, Act 17, Eff. May 1, 1994 ;-- Am. 1996, Act 44, Imd. Eff. Feb. 26, 1996 ;-- Am. 2003, Act 316, Imd. Eff. Jan. 12, 2004

117.4m Ordinance regulating recreational trailway; posting; violation as municipal civil infraction; penalty.

Sec. 4m. (1) An ordinance regulating a recreational trailway is not effective unless it is posted and maintained near each gate or principal entrance to the trailway.

(2) The operation of a vehicle on a recreational trailway at a time, in a place, or in a manner prohibited by an ordinance is a municipal civil infraction, whether or not so designated by the ordinance. A civil fine ordered for a municipal civil infraction described in this subsection shall not exceed the maximum amount of a fine provided by the ordinance or \$500.00, whichever is less. An act or omission described in this subsection is not a municipal civil infraction if that act or omission constitutes a violation or crime that section 4 l prohibits an ordinance from designating as a municipal civil infraction.

History: Add. 1994, Act 89, Eff. Oct. 1, 1994

117.4q Administrative hearings bureau; establishment; administrative hearings; procedures.

Sec. 4q. (1) A city that has a population of 7,500 or more and is located in any county, or a city that has a population of 3,300 or more and is located in a county that has a population of 2,000,000 or more, may establish an administrative hearings bureau to adjudicate and impose sanctions for violations of the charter or ordinances designated in the charter or ordinance as a blight violation. The bureau may accept admissions of responsibility for blight violations. Pursuant to a schedule of civil fines and costs, the bureau may collect civil fines and costs for blight violations.

(2) The expense of the operation of an administrative hearings bureau shall be borne by the city establishing the bureau.

(3) An administrative hearings bureau shall not have jurisdiction over criminal offenses, traffic civil infractions, municipal civil infractions, or state civil infractions. The bureau and its hearing officers shall not have the authority to impose a penalty of incarceration and may not impose a civil fine in excess of \$10,000.00. This section does not authorize a proceeding against a foreclosing governmental unit as defined under section 78 of the general property tax act, 1893 PA 206, MCL 211.78, or an authority created under the land bank fast track act, 2003 PA 258, MCL 124.751 to 124.774. The city may waive a fine for a blight violation at an owner-occupied dwelling for a first time offender of a blight ordinance, if the offender has corrected the circumstances for the violation.

(4) A city that establishes an administrative hearings bureau under this section shall establish by ordinance the jurisdiction of the bureau for adjudicating alleged blight violations, making determinations of responsibility, and imposing sanctions upon those found responsible for a violation. The city may designate only a violation of any of the following types of ordinances as a blight violation:

(a) Zoning.

(b) Building or property maintenance.

(c) Solid waste and illegal dumping.

(d) Disease and sanitation.

(e) Noxious weeds.

(f) Vehicle abandonment, inoperative vehicles, vehicle impoundment, and municipal vehicle licensing.

(g) Right-of-way signage. For purposes of this subdivision, right-of-way signage violation means the placement of signage in a right-of-way without a proper permit from the city.

(h) An ordinance that is substantially the same as sections 138 to 142 of the housing law of Michigan, 1917 PA 167, MCL 125.538 to 125.542.

(5) To initiate a proceeding for a blight violation, the city shall issue and serve upon an alleged violator a written violation notice on which an authorized local official records the occurrence or existence of 1 or more blight violations by the person cited and which directs the named person to pay a civil fine for the violation or appear at the administrative hearings bureau as provided in this section. A violation notice to appear at an administrative hearings bureau shall be treated as made under oath if the violation alleged in the notice occurred in the presence of the authorized local official signing the violation notice and if the notice contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.". An authorized local official may issue a violation notice to appear if, based upon investigation, the official has reasonable cause to believe that the person is responsible for a blight violation and if the city attorney or an assistant city attorney approves in writing the issuance of the violation notice.

(6) If a city has a rental inspection program with which a landlord must register in order to rent premises for residential purposes and if a landlord of premises rented in the city for residential purposes is registered with the city's rental inspection program, the city shall not issue a blight violation notice during an inspection of the premises unless either of the following occurs:

(a) The landlord is given a written correction notice of the violation and a reasonable opportunity to correct the circumstances before a reinspection of the premises or a date specified in the notice.

(b) The violation is a direct result of the landlord's action or inaction and creates an emergency that presents an immediate risk of harm to people or damage to property including, but not limited to, a flooded basement or premises without heat.

(7) A city that does not have a rental inspection program, or does not require a landlord to register as part of a rental inspection program, shall not issue a blight violation notice to a landlord of premises rented in the city for residential purposes during an inspection of the premises unless either of the following occurs:

(a) The landlord is given a written correction notice of the violation and a reasonable opportunity to correct the circumstances before a reinspection of the premises or a date specified in the notice.

(b) The violation is a direct result of the landlord's action or inaction and creates an emergency that presents an immediate risk of harm to people or damage to property, including, but not limited to, a flooded basement or premises without heat.

(8) The person named in the violation notice shall appear on or before the time specified in the violation notice and may respond to the allegations in the notice, as follows:

(a) If the alleged violator wishes to admit responsibility for the blight violation, the person may do so by appearing in person, by representation, or by mail. If appearance is made by representation or mail, the administrative hearings bureau may accept the admission as though the person personally appeared. Upon acceptance of the admission, a hearing officer may order any of the sanctions permitted under this section.

(b) If the alleged violator wishes to deny responsibility for the blight violation, or admit responsibility with an explanation, the person may do so by appearing in person on the date scheduled for the administrative hearing for the purpose of adjudicating the alleged violation.

(c) If the alleged violator fails to appear, a decision and order of default may be entered.

(9) If an admission of responsibility is not made and the civil fine and costs, if any, prescribed by charter or ordinance for the violation are not paid at the administrative hearings bureau, and the alleged violator fails to appear at a hearing scheduled in accordance with this section, a final decision and order of responsibility in the amount of the prescribed civil fine and costs may be issued by the administrative hearings bureau.

(10) The city establishing an administrative hearings bureau shall establish rules and procedures for an alleged violator to set aside the entry of a decision and order of default.

(11) The ordinance establishing the bureau shall provide for adjudicatory hearings by hearing officers. Each hearing officer shall be an attorney licensed to practice law in this state for at least 5 years. Hearing officers shall be appointed in a manner consistent with the charter of the city for the appointment of other municipal officers or employees and shall only be removed for reasonable cause. Before conducting administrative adjudication proceedings, administrative hearing officers shall successfully complete a formal training program which includes all of the following:

(a) Instruction on the rules of procedure of the administrative hearings that they will conduct.

(b) Orientation to each subject area of the ordinance violations that they will adjudicate.

(c) Observation of administrative hearings.

(d) Participation in hypothetical cases, including ruling on evidence and issuing final orders.

(e) The importance of impartiality in the conduct of the administrative hearing and adjudication of the violation.

(f) Instructions on the preparation of a record that is adequate for judicial review.

(12) The authority and duties of a hearing officer shall include all of the following:

(a) Hearing testimony and accepting evidence that is relevant to the existence of the blight violation.

(b) Issuing subpoenas directing witnesses to appear and give relevant testimony at the hearing, upon request of a party or a party's attorney.

(c) Preserving and authenticating the record of the hearing and all exhibits and evidence introduced at the hearing.

(d) Issuing a determination, based upon the evidence presented at the hearing, whether a blight violation exists. The determination shall be in writing and shall include written findings of fact, a decision, and an order. The city shall have the burden of establishing the responsibility of the alleged violator by a preponderance of the evidence. Unless the burden is met, the matter shall be dismissed. A decision and an order shall not be made except upon consideration of the record as a whole or a portion of the record as may be cited by any party to the proceeding and as supported by and in accordance with the competent, material, and substantial evidence. A decision and order finding the alleged violator responsible for the violation shall include the civil fine, if any, or any action with which the violator must comply, or both.

(e) Imposing reasonable and proportionate sanctions consistent with applicable ordinance provisions and assessing costs upon a finding that the alleged violator is responsible for the alleged violation. The maximum monetary civil fine allowed under this section excludes costs of enforcement or costs imposed to secure compliance with the city's ordinances and is not applicable to enforce the collection of any tax imposed and collected by the city.

(13) In addition to fines and costs imposed under subsection (12), the hearing officer shall impose a justice system assessment of \$10.00 for each blight violation determination. Upon payment of the assessment, the city shall transmit the assessment collected to the state treasury to be deposited into the justice system fund created in section 181 of the revised judicature act of 1961, 1961 PA 236, MCL 600.181.

(14) A party shall be provided with the opportunity for a hearing during which they may be represented by counsel, present witnesses, and cross-examine witnesses. A party may request the hearing officer to issue subpoenas to direct the attendance and testimony of relevant witnesses and the production of relevant documents. Hearings shall be scheduled with reasonable promptness, except that for hearings scheduled in all nonemergency situations the alleged violator if he or she requests shall have at least 14 days after service of process to prepare for the hearing. For purposes of this subsection, "nonemergency situation" means any situation that does not reasonably constitute a threat to the public interest, safety, or welfare. If service is provided by first-class mail, the 14-day period begins to run on the day that the notice is deposited in the mail.

(15) In an administrative hearing under this section, the rules of evidence as applied in a nonjury civil case in circuit court shall be followed as far as practicable, but the hearing officer may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded. Effect shall be given to the rules of privilege recognized by law. Objections to offers of evidence may be made and shall be noted in the record. Subject to these requirements, the hearing officer, for the purpose of expediting hearings and when the interests of the parties will not be substantially prejudiced thereby, may provide in an administrative hearing or by rule for submission of all or part of the evidence in written form.

(16) Any final decision by a hearing officer that a blight violation does or does not exist constitutes a final decision and order for purposes of

judicial review and may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

(17) A party may file an appeal within 28 days after entry of the decision and order by the hearing officer. An appeal of a final decision and order of an administrative hearing officer is to the circuit court.

(18) An alleged violator who appeals a final decision and order to circuit court shall post with the administrative hearings bureau, at the time the appeal is taken, a bond equal to the fine and costs imposed. A party who has paid the fine and costs is not required to post a bond. If a party who has posted a bond fails to comply with the requirements of supreme court rules for an appeal to the circuit court, the appeal may be considered abandoned, and the bureau may dismiss the appeal on 7 days' notice to the parties. The administrative hearings bureau must promptly notify the circuit court of a dismissal, and the circuit court shall dismiss the claim of appeal. If the appeal is dismissed or the decision and order are affirmed, the administrative hearings bureau may apply the bond to the fine and costs. An appeal by the city must be asserted by the city's attorney and a bond is not required.

(19) An appeal to circuit court shall be a review by the court of the certified record provided by the administrative hearings bureau. Pending appeal, and subject to the bond requirement under subsection (18), the hearing officer may stay the order and any sanctions or costs imposed. Once an appeal is filed, and subject to the bond requirement under subsection (18), the court may stay the order and any sanctions or costs imposed. The court, as appropriate, may affirm, reverse, or modify the decision or order, or remand the matter for further proceedings. The court shall hold unlawful and set aside a decision or order of the hearing officer if substantial rights of an alleged violator have been prejudiced because the decision or order is any of the following:

(a) In violation of the constitution or a statute, charter, or ordinance.

(b) In excess of the authority or jurisdiction of the agency as conferred by statute, charter, or ordinance.

- (c) Made upon unlawful procedure resulting in material prejudice to a party.
- (d) Not supported by competent, material, and substantial evidence on the whole record.
- (e) Arbitrary, capricious, or clearly an abuse or unwarranted exercise of discretion.
- (f) Affected by other substantial and material error of law.

History: Add. 2003, Act 316, Imd. Eff. Jan. 12, 2004 ;-- Am. 2008, Act 51, Imd. Eff. Mar. 28, 2008

117.4r Nonpayment of civil fine or costs or installment payment by defendant; lien; recording; enforcement; priority; collection of judgment; duration of lien; default.

Sec. 4r. (1) If a defendant does not pay a civil fine or costs or an installment payment ordered by a hearing officer under section 4q within 30 days after the date on which payment is due for a blight violation involving the use or occupation of land or a building or other structure, the city may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the final decision and order requiring payment of the fines and costs with the register of deeds for the county in which the land, building, or structure is located. The order shall not be recorded unless a legal description of the property is incorporated in or attached to the order. The lien is effective immediately upon recording of the order with the register of deeds.

(2) The order recorded under subsection (1) with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the city by first-class mail to the owner of record of the land, building, or structure at the owner's last known address.

(3) The lien may be enforced and discharged by the city in the manner prescribed by its charter, by the general property tax act, 1893 PA 206,

MCL 211.1 to 211.155, or by an ordinance duly passed by the governing body of the city. However, property is not subject to forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a, for nonpayment of a civil fine or costs or an installment ordered under section 4q unless the property is also subject to forfeiture, foreclosure, and sale under sections 78 to 79a of the general property tax act, 1893 PA 206, MCL 211.78 to 211.79a, for delinquent property taxes.

(4) A lien created under this section has priority over any other lien unless 1 or more of the following apply:

(a) The other lien is a lien for taxes or special assessments.

(b) The other lien is created before May 1, 1994.

(c) Federal law provides that the other lien has priority.

(d) The other lien is recorded before the lien under this section is recorded.

(5) The city may institute an action in circuit court for the collection of the judgment imposed by an order under section 4q for a blight violation. However, an attempt by the city to collect the judgment by any process does not invalidate or waive the lien upon the land, building, or structure.

(6) A lien provided for by this section shall not continue for a period longer than 10 years after a copy of the order imposing a fine or costs, or both, is recorded, unless within that time an action to enforce the lien is commenced.

(7) A default in the payment of a civil fine or costs under section 4q or an installment of the fine or costs may be collected by a means authorized for the enforcement of a court judgment under chapter 40 or 60 of the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to 600.4065, and MCL 600.6001 to 600.6098.

History: Add. 2003, Act 317, Imd. Eff. Jan. 12, 2004 ;-- Am. 2008, Act 51, Imd. Eff. Mar. 28, 2008

117.29 Recovery and enforcement of fines, penalties, and forfeitures; violations; administrative hearings.

Sec. 29. (1) Except as provided in subsection (2), the district court, a municipal court, or the circuit court, as provided by law, may hear, try, and determine actions and prosecutions for the recovery and enforcing of fines, penalties, and forfeitures imposed by the charter and ordinances of the city, and sanction offenders for the violation of the charter and ordinances, as is prescribed and directed in the charter or ordinances.

(2) Pursuant to section 4q, a city may provide for an administrative hearings bureau to adjudicate alleged violations of ordinances and impose sanctions consistent with this act.

History: 1909, Act 279, Eff. Sept. 1, 1909 ;-- CL 1915, 3332 ;-- CL 1929, 2265 ;-- CL 1948, 117.29 ;-- Am. 1978, Act 191, Imd. Eff. June 4, 1978 ;-- Am. 1994, Act 17, Eff. May 1, 1994 ;-- Am. 2003, Act 318, Imd. Eff. Jan. 12, 2004

**REVISED JUDICATURE ACT OF 1961 (EXCERPTS)
Act 236 of 1961**

600.8396 Municipal ordinance violations bureau.

Sec. 8396. A county, city, village, or township may by ordinance establish a municipal ordinance violations bureau to accept admissions of responsibility for municipal civil infractions and to collect and retain civil fines and costs pursuant to a schedule as prescribed by ordinance. The expense of operating a municipal ordinance violations bureau shall be borne by the county, city, village, or township, and the personnel of the bureau shall be county, city, village, or township employees.

History: Add. 1994, Act 12, Eff. May 1, 1994

600.8731 Violation involving land, building, or other structure; nonpayment of civil fine, costs, or installment; lien.

Sec. 8731. (1) If a defendant does not pay a civil fine, costs, or assessment or an installment ordered under section 8727 within 30 days

after the date on which payment is due under section 8727 in a municipal civil infraction action brought for a violation involving the use or occupation of land or a building or other structure, the plaintiff may obtain a lien against the land, building, or structure involved in the violation by recording a copy of the court order requiring payment of the fines, costs, and assessment with the register of deeds for the county in which the land, building, or structure is located. The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order. The lien is effective immediately upon recording of the court order with the register of deeds.

(2) The court order recorded with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent by the plaintiff by first-class mail to the owner of record of the land, building, or structure at the owner's last known address.

(3) The lien may be enforced and discharged by a county, city, village, or township in the manner prescribed by its charter, by the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, or by an ordinance duly passed by the governing body of the county, city, village, or township. However, property is not subject to sale under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, for nonpayment of a civil fine, costs, or assessment or an installment ordered under section 8727 unless the property is also subject to sale under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, for delinquent property taxes.

(4) A lien created under this section has priority over any other lien unless 1 or more of the following apply:

(a) The other lien is a lien for taxes or special assessments.

(b) The other lien is created before May 1, 1994.

(c) Federal law provides that the other lien has priority.

(d) The other lien is recorded before the lien under this section is recorded.

(5) A political subdivision may institute an action in a court of competent jurisdiction for the collection of the judgment imposed by a court order for a municipal civil infraction. However, an attempt by a county, city, village, or township to collect the judgment by any process does not invalidate or waive the lien upon the land, building, or structure.

(6) A lien provided for by this section shall not continue for a period longer than 5 years after a copy of the court order imposing a fine, costs, or assessment is recorded, unless within that time an action to enforce the lien is commenced.

History: Add. 1994, Act 12, Eff. May 1, 1994 ;-- Am. 2003, Act 95, Eff. Oct. 1, 2003 ;-- Am. 2003, Act 178, Eff. Oct. 1, 2003

COMMUNITY DISPUTE RESOLUTION ACT **Act 260 of 1988**

AN ACT to create the community dispute resolution program; to create the community dispute resolution fund; to establish criteria for funding and participation in the program; to provide for the administration of the program; to authorize pilot projects; to require the reporting of certain statistical data; and to repeal certain parts of this act on specific dates.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993

The People of the State of Michigan enact:

691.1551 Short title.

Sec. 1. This act shall be known and may be cited as the “community dispute resolution act”.

History: 1988, Act 260, Eff. Nov. 13, 1988

691.1552 Definitions.

Sec. 2. As used in this act:

- (a) “Administrative expenses” means expenses incurred by the state court administrator in implementing this act.
- (b) “Available grant funds” means that portion of the community dispute resolution fund available for awards to grant recipients, after administrative expenses have been met.
- (c) “Center” means a community-based dispute resolution center.
- (d) “Fund” means the community dispute resolution fund.
- (e) “Grant recipient” means a nonprofit or governmental organization that receives funds to operate a center pursuant to this act.
- (f) “Mediator” means an impartial, neutral person who assists parties in voluntarily reaching their own settlement of issues in a dispute and who has no authoritative decision-making power.
- (g) “Program” means the community dispute resolution program created by this act.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1553 Community dispute resolution program; creation; purpose.

Sec. 3. The community dispute resolution program is created to provide conciliation, mediation, or other forms and techniques of voluntary dispute resolution to persons as an alternative to the judicial process.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1554 Community dispute resolution fund; creation; purpose; administration.

Sec. 4. The program shall be funded by the community dispute resolution fund which is created in the state treasury and shall be administered by the state court administrator.

History: 1988, Act 260, Eff. Nov. 13, 1988

691.1555 Revenues, funds, and interest credited to fund.

Sec. 5. (1) The department of treasury shall credit to the fund the revenues received pursuant to sections 2528, 2529, 5756, 8371, and 8420 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.2528, 600.2529, 600.5756, 600.8371, and 600.8420 of the Michigan Compiled Laws.

(2) The department of treasury shall credit to the fund any funds appropriated by the legislature and any federal or private funds received by the state for the purpose of implementing this act. Money in the fund at the end of the fiscal year shall remain in the fund, and shall not revert to the general fund.

(3) Interest generated by revenues in the community dispute resolution fund shall be credited to the community dispute resolution fund by the department of treasury and shall be used exclusively for purposes of this act.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1556 Participation in dispute resolution process.

Sec. 6. (1) Participation in the dispute resolution process shall be voluntary and the form or technique utilized shall be by mutual agreement of the parties.

(2) Subject to subsection (1), a court may refer the parties to a civil action to a center funded under this act. The court shall not require that the parties to the civil action reach a settlement of the civil action through any dispute resolution process utilized at the center.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1556a Agreement; enforcement.

Sec. 6a. If the parties involved in a dispute resolution process reach a settlement and execute a written agreement, the agreement is enforceable in the same manner as any other written contract.

History: Add. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1556b Repealed. 1993, Act 286, Eff. Jan. 1, 1996.

Compiler's Notes: The repealed section pertained to pilot projects.

691.1557 Confidentiality.

Sec. 7. (1) The work product and case files of a mediator or center and communications relating to the subject matter of the dispute made during the dispute resolution process by a party, mediator, or other person are confidential and not subject to disclosure in a judicial or administrative proceeding except for either of the following:

(a) Work product, case files, or communications for which all parties to the dispute resolution process agree in writing to waive confidentiality.

(b) Work product, case files, or communications which are used in a subsequent action between the mediator and a party to the dispute resolution process for damages arising out of the dispute resolution process.

(2) Subsection (1) does not apply to statements, memoranda, materials, and other tangible evidence, otherwise subject to discovery, that were not prepared specifically for use in the dispute resolution process.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1557a Civil liability.

Sec. 7a. A mediator of a community dispute resolution center shall not be held liable for civil damages for any act or omission in the scope of his or her employment or function as a mediator, unless he or she acted

in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of the rights, safety, or property of another.

History: Add. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1558 Administration of program.

Sec. 8. This program shall be administered through community dispute resolution centers operated by grant recipients pursuant to a grant contract awarded by the state court administrator.

History: 1988, Act 260, Eff. Nov. 13, 1988

691.1559 Eligibility of grant recipient for funding.

Sec. 9. To be eligible for funding, a grant recipient shall do all of the following:

- (a) Comply with the provisions of this act, and any requirements or guidelines established by the state court administrator to effectuate the purposes of this act.
- (b) Provide neutral mediators who have received not less than 40 hours of training in conflict resolution techniques and principles of the legal system in a course of study approved by the state court administrator or a program of internship as may be required by the state court administrator.
- (c) Provide dispute resolution services without cost to indigents.
- (d) Reject any dispute which involves alleged acts which are or could be the subject of a violent felony or drug-related felony criminal prosecution.
- (e) When appropriate, refer participants to other agencies or organizations for assistance.
- (f) Provide for community participation and respond to local community needs. In determining whether this requirement has been satisfied, the

state court administrator shall consider the extent to which the applicant has the following:

- (i) Active board members and mediators drawn from the community and client constituencies.
- (ii) Programs and services that target local dispute resolution needs.
- (iii) Local financial and in-kind support.
- (iv) A diversified base of referral sources.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993

691.1560 Selection of grant recipients; contents of grant applications submitted for funding; allocations; matching amount; “civil filing fee fund” defined.

Sec. 10. (1) Grant recipients shall be selected from applications submitted to the state court administrator. The grant applications submitted for funding shall include all of the following:

- (a) The budget for the proposed center including the proposed compensation and qualifications of the employees.
- (b) A description of the proposed geographical area of service and an estimate of the number of participants to be served.
- (c) A description of current dispute resolution services, if any, available within the proposed geographical area.
- (d) A narrative of the applicant's proposed program that includes the support of civic groups, social services agencies, local courts, and criminal justice agencies to accept and make referrals; the present availability of resources; and the applicant's administrative capacity.

- (e) A description of the fee structure, if any, that will be applied to participants seeking dispute resolution.
 - (f) Such additional information as is determined to be needed by the state court administrator.
- (2) If 1 or more applicants meet the eligibility requirements of section 9 and guidelines established under section 9, the state court administrator shall award a grant or grants from money distributed to the fund from the civil filing fee fund. Grants shall be allocated as follows:
- (a) 65% of the money received from the civil filing fee fund shall be made available for disbursement on the basis of the annual civil court filings reported by courts. An eligible applicant shall receive a pro rata share of the available grant funds on the basis of the annual civil court filings reported by courts located in the counties serviced by the applicant.
 - (b) 35% of the money received from the civil filing fee fund and any money in the fund derived from other sources shall be made available for disbursement on the basis of performance measures and threshold funding levels established by the state court administrative office.
- (3) Nothing in subsection (2) requires a grant award that exceeds the proposed center's approved budget.
- (4) Each grant recipient shall provide a matching amount equal to at least 35% of the awarded grant amount.
- (5) As used in this section, "civil filing fee fund" means that fund as created in section 171 of the revised judicature act of 1961, 1961 PA 236, MCL 600.171.

History: 1988, Act 260, Eff. Nov. 13, 1988 ;-- Am. 1993, Act 286, Imd. Eff. Dec. 28, 1993 ;-- Am. 2003, Act 79, Eff. Oct. 1, 2003

691.1561 Fiscal affairs of grant recipient; inspection, examination, and audit.

Sec. 11. The state court administrator or other authorized state official shall have the power to inspect, examine, and audit the fiscal affairs of any grant recipient.

History: 1988, Act 260, Eff. Nov. 13, 1988

691.1562 Providing statistical data annually to state court administrator; annual report.

Sec. 12. Each grant recipient shall annually provide to the state court administrator statistical data on its operating budget, the number of referrals, categories or types of cases referred, number of parties serviced, number of disputes resolved, nature of resolution, amount and type of awards, rate of compliance, returnees to the center, duration and estimated costs of hearing, and such other information the state court administrator may require. The state court administrator shall report annually to the governor and legislature regarding the operation and success of the centers funded pursuant to this act.

History: 1988, Act 260, Eff. Nov. 13, 1988

691.1563 Effective date.

Sec. 13. This act shall take effect upon the expiration of 120 days after the date of its enactment.

History: 1988, Act 260, Eff. Nov. 13, 1988

691.1564 Conditional effective date.

Sec. 14. This act shall not take effect unless Senate Bill No. 816 of the 84th Legislature is enacted into law.

History: 1988, Act 260, Eff. Nov. 13, 1988

Compiler's Notes: Senate Bill No. 816, referred to in this section, was filed with the Secretary of State August 17, 1988, and became P.A. 1988, No. 310, Eff. Jan. 1, 1989.