



HOUSE BILL No. 5972

June 7, 1996, Introduced by Reps. Pitoniak, Gire, DeHart, Freeman, DeMars, Dalman, Emerson, Anthony, LaForge, Brater, Bennane, Palamara, Dobronski, Dolan, Kelly, Varga, Baade, Vaughn, Yokich, Scott and Bankes and referred to the Committee on Local Government.

A bill to amend section 4i of Act No. 279 of the Public Acts of 1909, entitled as amended "The home rule city act," as amended by Act No. 179 of the Public Acts of 1996, being section 117.4i of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4i of Act No. 279 of the Public Acts of
2 1909, as amended by Act No. 179 of the Public Acts of 1996, being
3 section 117.4i of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 4i. Each city may in its charter provide:

6 (a) For laying and collecting rents, tolls, and excises.

7 (b) For regulating and restricting the locations of oil and
8 gasoline stations.

1 (c) For the establishment of districts or zones within which
2 the use of land and structures, the height, area, size, and
3 location of buildings, the required open spaces for light and
4 ventilation of buildings, and the density of population may be
5 regulated by ordinance. The zoning ordinance provisions applica-
6 ble to 1 or more districts may differ from those applicable to
7 other districts. If a city is incorporated, or if territory is
8 annexed to a city incorporated under this act, the zoning ordi-
9 nance provisions applicable to the territory within the newly
10 incorporated city or the annexed territory shall remain in effect
11 for 2 years after the incorporation or annexation unless the leg-
12 islative body of the city lawfully adopts other zoning ordinance
13 provisions.

14 (d) For the regulation of trades, occupations, and amuse-
15 ments within city boundaries, if the regulations are not incon-
16 sistent with state or federal law, and for the prohibition of
17 trades, occupations, and amusements that are detrimental to the
18 health, morals, or welfare of the inhabitants of that city.

19 (e) For the regulation or prohibition of public nudity
20 within city boundaries. As used in this subdivision, "public
21 nudity" means knowingly or intentionally displaying in a public
22 place, or for payment or promise of payment by any person includ-
23 ing, but not limited to, payment or promise of payment of an
24 admission fee, any individual's genitals or anus with less than a
25 fully opaque covering, or a female individual's breast with less
26 than a fully opaque covering of the nipple and areola. Public
27 nudity does not include any of the following:

1 (i) A woman's breastfeeding of a baby whether or not the
2 nipple or areola is exposed during or incidental to the feeding.

3 (ii) Material as defined in section 2 of Act No. 343 of the
4 Public Acts of 1984, being section 752.362 of the Michigan
5 Compiled Laws.

6 (iii) Sexually explicit visual material as defined in sec-
7 tion 3 of Act No. 33 of the Public Acts of 1978, being section
8 722.673 of the Michigan Compiled Laws.

9 (f) For licensing, regulating, restricting, and limiting the
10 number and locations of billboards within the city.

11 (g) For the initiative and referendum on all matters within
12 the scope of the powers of that city, and for the recall of city
13 officials.

14 (h) For a system of civil service for city employees,
15 including employees of that city's board of health, and employees
16 of any jail operated or maintained by the city. Charter provi-
17 sions providing for a system of civil service for employees of a
18 local health board are valid and effective.

19 (i) For a system of compensation for city employees and the
20 dependents of city employees in the case of disability, injury,
21 or death of city employees.

22 (j) For the enforcement of police, sanitary, and other ordi-
23 nances that are not in conflict with the general laws.

24 (k) For the punishment of persons who violate A city
25 ~~ordinances other than ordinances~~ ORDINANCE THAT IS NOT
26 described in section 44(1), (2), or (3). However, ~~the~~ THAT

1 penalty ~~for a violation of such a city ordinance~~ IS SUBJECT TO
2 BOTH OF THE FOLLOWING LIMITATIONS:

3 (i) THE PENALTY shall not exceed a fine of \$500.00, or
4 imprisonment for 90 days, or both, UNLESS THE CITY ORDINANCE SUB-
5 STANTIALY CORRESPONDS TO A STATE STATUTE THAT AUTHORIZES A
6 GREATER PENALTY.

7 (ii) THE PENALTY SHALL NOT EXCEED THE PENALTY AUTHORIZED BY
8 A SUBSTANTIALLY CORRESPONDING STATE STATUTE THAT PROVIDES FOR A
9 FINE OF NOT MORE THAN \$500.00 OR IMPRISONMENT FOR MORE THAN 90
10 DAYS, OR BOTH.