

# HOUSE BILL No. 5397

December 30, 2003, Introduced by Reps. Caswell, Byrum, Julian, Hopgood and Wojno and referred to the Committee on Regulatory Reform.

A bill to amend 1895 PA 3, entitled  
"The general law village act,"  
by amending section 1 of chapter VII (MCL 67.1), as amended by  
1994 PA 314.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER VII

Sec. 1. A village subject to this act has, in addition to  
other powers that are conferred, the general power and authority  
granted in this chapter. The council of a village subject to  
this act may enact ordinances relating to the powers described in  
this section as it considers proper, including, but not limited  
to, ordinances relating to 1 or more of the following:

- (a) To restrain and prevent vice and immorality.
- (b) To punish vagrants, disorderly persons, and prostitutes.
- (c) To abate nuisances and preserve the public health.

1 (d) To prohibit and suppress disorderly houses and gaming  
2 houses.

3 (e) To regulate, license, or suppress billiard tables and  
4 ball alleys, public dance halls, and soft drink emporiums.

5 (f) To suppress gaming.

6 (g) To regulate and license public shows and exhibitions.

7 (h) To ~~license auctioneers,~~ license and regulate hawkers  
8 and peddlers, to regulate or prohibit sales of property at  
9 auction except sales made pursuant to an order of a court or  
10 public law, to require transient traders and dealers to obtain a  
11 license before engaging in business, and to regulate by ordinance  
12 the terms and conditions of issuing those licenses.

13 (i) To license and regulate hacks and other public vehicles.

14 (j) To provide for and regulate the inspection of  
15 provisions.

16 (k) To regulate or prohibit bathing in the rivers, ponds,  
17 streams, and waters of the village.

18 (l) To regulate or prohibit the selling, storing, or  
19 transportation of combustible or explosive substances or  
20 materials within the village, and to regulate and restrain the  
21 making of fires in the streets or other open spaces in the  
22 village.

23 (m) To provide for the organization and regulation of a fire  
24 department, to provide for the prevention and extinguishment of  
25 fires, and to establish and maintain definite fire limits.

26 (n) To license and regulate solicitors for passengers or  
27 baggage for any hotel, tavern, public house, boat, or railroad,

1 and draymen, carmen, truckmen, porters, runners, drivers of cabs,  
2 hackney coaches, omnibuses, carriages, sleighs, express vehicles,  
3 and other vehicles used and employed for hire, and to fix and  
4 regulate the amount and rate of compensation of those  
5 individuals.

6 (o) To require horses, mules, or other animals attached to  
7 any vehicle or standing in any street, lane, or alley in the  
8 village to be securely fastened, hitched, watched, or held.

9 (p) To prevent and punish horse racing and immoderate driving  
10 in any street, park, or alley and to authorize the stopping and  
11 detaining of any person who is immoderately driving or riding in  
12 any street, park, or alley in the village.

13 (q) To prevent the running at large of dogs, to require dogs  
14 to be muzzled, and to authorize the destruction of dogs found at  
15 large in violation of an ordinance of the village.

16 (r) To establish lines and grades upon which buildings may be  
17 erected, and beyond which buildings shall not extend.

18 (s) To prevent the erection and provide for the removal of  
19 buildings considered unsafe.

20 (t) To regulate the placement and provide for the  
21 preservation of horse posts or hitching posts.

22 (u) To declare and define the powers and duties of the  
23 officers of the village whose powers and duties are not  
24 specifically prescribed in this act.

25 (v) To require the treasurer or marshal of the village, and  
26 other officers of the village as the council considers proper to  
27 give bonds for the discharge of their official duties.

1           (w) To see that the officers of the village perform their  
2 duties faithfully and that proper measures are taken to punish  
3 neglect of duty by any officer of the village.

4           (x) To provide for the care, custody, and preservation of the  
5 public property of the village.

6           (y) To investigate any matter that may come under the  
7 jurisdiction of the village and that is pursuant to the authority  
8 vested in the council or in any officer under this act. The  
9 council by majority consent of the council members serving may  
10 serve upon a person a subpoena that has been authorized by a  
11 court of proper jurisdiction in the county in which the village  
12 is located compelling the person to appear before the council or  
13 any committee of the council to be examined under oath or to  
14 produce a document or object for inspection or copying. If a  
15 person objects to or otherwise fails to comply with the written  
16 notice served upon him or her, the council may file in that court  
17 an action to enforce the subpoena. The court may issue an order  
18 requiring the person to appear to be examined or to produce a  
19 document or object for inspection or copying. Failure to obey  
20 the order of the court is punishable by the court as a contempt.

21           (z) To adopt other ordinances and make other regulations for  
22 the safety and good government of the village and the general  
23 welfare of its inhabitants that are not inconsistent with the  
24 general laws of this state.

25           (aa) To regulate or prohibit public nudity within village  
26 boundaries. As used in this subdivision, "public nudity" means  
27 knowingly or intentionally displaying in a public place, or for

1 payment or promise of payment by any person including, but not  
 2 limited to, payment or promise of payment of an admission fee,  
 3 any individual's genitals or anus with less than a fully opaque  
 4 covering, or a female individual's breast with less than a fully  
 5 opaque covering of the nipple and areola. Public nudity does not  
 6 include any of the following:

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

9 (ii) Material as **that term is** defined in section 2 of ~~Act~~  
 10 ~~No. 343 of the Public Acts of 1984, being section 752.362 of the~~  
 11 ~~Michigan Compiled Laws— 1984 PA 343, MCL 752.362.~~

12 (iii) Sexually explicit visual material as **that term is**  
 13 defined in section 3 of ~~Act No. 33 of the Public Acts of 1978,~~  
 14 ~~being section 722.673 of the Michigan Compiled Laws— 1978 PA 33,~~  
 15 **MCL 722.673.**

16 Enacting section 1. This amendatory act does not take  
 17 effect unless all of the following bills of the 92nd Legislature  
 18 are enacted into law:

19 (a) Senate Bill No. \_\_\_\_\_ or House Bill No. 5395 (request  
 20 no. 04000'03).

21 (b) Senate Bill No. \_\_\_\_\_ or House Bill No. 5396 (request  
 22 no. 04000'03 a).

23 (c) Senate Bill No. \_\_\_\_\_ or House Bill No. 5398 (request  
 24 no. 04000'03 c).