

HOUSE BILL No. 5398

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

A bill to amend 1895 PA 215, entitled
"The fourth class city act,"
by amending section 1 of chapter XI (MCL 91.1), as amended by
1994 PA 19.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER XI

2 Sec. 1. (1) A city incorporated under the provisions of
3 this act has, and the council may pass ordinances relating to,
4 the following general powers:

5 (a) To restrain and prevent vice and immorality, gambling,
6 noise and disturbance, and indecent or disorderly conduct or
7 assemblages; to prevent and quell riots; to preserve peace and
8 good order; and to protect the property of the city or of persons
9 in the city.

10 (b) To prohibit vagrancy, truancy, begging, public

1 drunkenness, disorderly conduct, or prostitution.

2 (c) To prevent injury or annoyance from anything dangerous,
3 offensive, or unhealthy; to prohibit and remove anything tending
4 to cause or promote disease; and to prevent and abate nuisances.

5 (d) To prohibit and suppress places of disorderly conduct,
6 immorality, or vice.

7 (e) To regulate or license the use of places of
8 entertainment.

9 (f) To prohibit and suppress gambling and to authorize the
10 seizure and destruction of instruments and devices used for
11 gambling.

12 (g) To prohibit and prevent the selling or giving of
13 alcoholic liquor, as defined in section ~~2 of the Michigan liquor~~
14 ~~control act, Act No. 8 of the Public Acts of the Extra Session of~~
15 ~~1933, being section 436.2 of the Michigan Compiled Laws~~ **105 of**
16 **the Michigan liquor control code of 1998, 1998 PA 58,**
17 **MCL 436.1105.**

18 (h) To regulate, restrain, or prohibit sports, exhibitions,
19 caravans, and shows for which money or other reward is demanded
20 or received, except lectures on historic, literary, or scientific
21 subjects.

22 (i) To prevent the violation of the Sabbath day, or the
23 disturbance of a religious meeting, congregation, or society or
24 other public meeting assembled for a lawful purpose; and to
25 require businesses to be closed on the Sabbath day.

26 (j) To ~~license, regulate, or~~ prohibit auctioneers,
27 auctions, and sales by public bids or offers by buyers or sellers

1 in the manner of auctions; and to regulate the fees to be paid by
2 and to auctioneers. ~~However, a license shall not be required in~~
3 ~~case of sales required by law to be made at auction.~~

4 (k) To license, regulate, or prohibit hawking and peddling
5 and to license pawnbroking.

6 (l) To license and regulate wharf boats and to regulate the
7 use of boats in and about the harbor, if any, and within the
8 jurisdiction of the city.

9 (m) To establish, authorize, license, and regulate ferries to
10 and from the city or a place in the city; and to regulate and
11 prescribe the charges and prices for the transportation of
12 persons and property by ferry.

13 (n) To regulate and license taverns, houses of public
14 entertainment, saloons, restaurants, and eating houses; and to
15 regulate and prescribe the location of saloons. This subdivision
16 does not authorize the licensing of the sale of alcoholic liquor,
17 as defined in section ~~2 of Act No. 8 of the Public Acts of the~~
18 ~~Extra Session of 1933~~ **105 of the Michigan liquor control code of**
19 **1998, 1998 PA 58, MCL 436.1105.**

20 (o) To license and regulate vehicles used for the
21 transportation of persons or property for hire in the city; and
22 to regulate or fix their stands on the streets and public places
23 and at wharves, boat landings, railroad station grounds, and
24 other places.

25 (p) To regulate and license toll bridges within the city and
26 to prescribe the rates and charges for passage over the bridges.

27 (q) To provide for and regulate the inspection of food.

1 (r) To regulate the inspection, weighing, and measuring of
2 brick, lumber, firewood, coal, hay, and any article of
3 merchandise.

4 (s) To provide for the inspection and sealing of weights and
5 measures and to enforce the keeping and use of proper weights and
6 measures by venders.

7 (t) To regulate the construction, repair, and use of vaults,
8 cisterns, areas, hydrants, pumps, sewers, and gutters.

9 (u) To prohibit and prevent indecent exposure of the person;
10 the show, sale, or exhibition for sale of indecent or obscene
11 pictures, drawings, engravings, paintings, books, or pamphlets;
12 and indecent or obscene exhibitions and shows.

13 (v) To regulate or prohibit bathing in the city's bodies of
14 water.

15 (w) To provide for the clearing of driftwood and noxious
16 matter from the city's bodies of water; and to prohibit and
17 prevent the depositing in the city's bodies of water of matter
18 tending to render the water impure, unwholesome, or offensive.

19 (x) To compel the owner or occupant of any grocery, tallow
20 chandler shop, soap or candy factory, butcher shop or stall,
21 slaughter house, stable, barn, privy, sewer, or other offensive,
22 nauseous, or unwholesome place to cleanse, remove, or abate it
23 when the council considers it necessary for the health, comfort,
24 or convenience of the inhabitants of the city.

25 (y) To regulate the keeping, selling, and using of dynamite,
26 gunpowder, firecrackers and fireworks, and other explosive or
27 combustible materials; to regulate the exhibition of fireworks

1 and the discharge of firearms; and to restrain the making of
2 fires in the streets and other open spaces in the city.

3 (z) To direct and regulate the construction of cellars,
4 slips, barns, private drains, sinks, and privies.

5 (aa) To prohibit, prevent, and suppress mock auctions and
6 fraudulent games, devices, and practices. Persons managing,
7 using, or practicing; attempting to manage, use, or practice; or
8 aiding in the management or practice of a mock auction or
9 fraudulent game, device, or practice may be subject to the
10 provisions of an ordinance under this subdivision.

11 (bb) To prohibit, prevent, and suppress lotteries for the
12 drawing or disposing of money or other property. Persons
13 maintaining, directing, or managing such lotteries or aiding in
14 the maintenance, directing, or managing of such lotteries may be
15 subject to the provisions of an ordinance under this
16 subdivision.

17 (cc) To license and regulate solicitors for passengers or for
18 baggage to and from a hotel, tavern, public house, boat, or
19 railroad and to provide the places where they may be admitted to
20 solicit or receive patronage; and to license and regulate
21 porters, runners, and drivers of vehicles used and employed for
22 hire, to provide the places where they be admitted to solicit or
23 receive patronage, and to fix and regulate the amounts and rates
24 of their compensation.

25 (dd) To provide for the protection and care of paupers.

26 (ee) To provide for taking a census of the inhabitants of the
27 city, whenever the council sees fit, and to direct and regulate

1 the census.

2 (ff) To provide for the issuing of licenses to the owners and
3 keepers of dogs and to require the owners and keepers of dogs to
4 pay for and obtain such licenses; and to regulate and prevent the
5 running at large of dogs, to require dogs to be muzzled, and to
6 authorize the killing of dogs running at large or not licensed in
7 violation of an ordinance of the city.

8 (gg) To prohibit the possession or use of toy pistols,
9 slingshots, and other dangerous toys or implements within the
10 city.

11 (hh) To require horses, mules, or other animals attached to
12 vehicles or standing in the streets, lanes, or alleys in the city
13 to be securely fastened, hitched, watched, or held and to
14 regulate the placing and provide for the preservation of hitching
15 posts.

16 (ii) To provide for and regulate the numbering of buildings
17 upon the streets and alleys; to require the owners or occupants
18 of buildings to affix numbers on the buildings; and to designate
19 and change the names of public streets, alleys, and parks.

20 (jj) To provide for, establish, regulate, and preserve public
21 fountains and reservoirs within the city, and troughs and basins
22 for watering animals.

23 (kk) To prevent or provide for the construction and operation
24 of street railways, to regulate street railways, and to determine
25 and designate the route and grade of any street railway to be
26 laid or constructed in the city.

27 (ll) To establish and maintain a public library, to provide a

1 suitable building for that public library, and to aid in
2 maintaining such other public libraries as may be established
3 within the city by private beneficence as the council considers
4 to be for the public good.

5 (mm) To license transient traders. In the case of transient
6 traders who engage in the business of selling goods or
7 merchandise after the commencement of the fiscal year, the
8 license fee may be apportioned with relation to the part of the
9 fiscal year that has expired. If such traders continue in the
10 same business after the commencement of the next fiscal year, and
11 their goods or merchandise are assessed for taxes for the next
12 fiscal year, the traders shall not be required to take out a
13 second license upon the commencement of the next fiscal year.

14 (2) The council may enact ordinances and make regulations,
15 consistent with the laws and constitution of the state as they
16 may consider necessary for the safety, order, and good government
17 of the city and the general welfare of the inhabitants of the
18 city, but exclusive rights, privileges, or permits shall not be
19 granted by the council.

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

23 (a) Senate Bill No. _____ or House Bill No. 5395 (request
24 no. 04000'03).

25 (b) Senate Bill No. _____ or House Bill No. 5396 (request
26 no. 04000'03 a).

27 (c) Senate Bill No. _____ or House Bill No. 5397 (request

1 no. 04000'03 b).