

# HOUSE BILL No. 5681

June 12, 2014, Introduced by Reps. Kowall, Lyons, Haines, O'Brien, Forlini, Pagel, Rogers, Muxlow, Yonker, Crawford, Glardon, Victory, Pettalia, Somerville, Kelly, Franz, Lori, Kesto, Pscholka, Cotter, Walsh, LaFontaine, Jenkins, Kurtz, Rendon, Price, Jacobsen, Olumba, Heise, Santana, Denby, Callton and Bumstead and referred to the Committee on Judiciary.

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:**

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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.

1 (b) To punish vagrants, disorderly persons, and prostitutes.

2 (c) To abate nuisances and preserve the public health.

3 (d) To prohibit and suppress disorderly houses and gaming  
4 houses.

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

7 (f) To suppress gaming.

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

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

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

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

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

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

1 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 individuals.

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

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

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

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

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

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

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

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

27 (w) To see that the officers of the village perform their

1 duties faithfully and that proper measures are taken to punish  
2 neglect of duty by any officer of the village.

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

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

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

24 (aa) To regulate or prohibit public nudity within village  
25 boundaries. As used in this subdivision, "public nudity" means  
26 knowingly or intentionally displaying in a public place, or for  
27 payment or promise of payment by any person including, but not

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

6 (i) A woman's breastfeeding of a baby **OR EXPRESSING BREAST MILK**  
7 **REGARDLESS OF** whether or not ~~the~~~~HER~~ nipple or areola is ~~exposed~~  
8 **VISIBLE** during or incidental to the ~~feeding~~. **BREASTFEEDING OR**  
9 **EXPRESSING OF BREAST MILK.**

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

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

16 Enacting section 1. This amendatory act does not take effect  
17 unless all of the following bills of the 97th Legislature are  
18 enacted into law:

19 (a) Senate Bill No. \_\_\_\_ or House Bill No. 5678 (request no.  
20 05695'14).

21 (b) Senate Bill No. \_\_\_\_ or House Bill No. 5679 (request no.  
22 05697'14).

23 (c) Senate Bill No. \_\_\_\_ or House Bill No. 5680 (request no.  
24 05698'14).