

# HOUSE BILL No. 5679

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

A bill to amend 1909 PA 279, entitled  
"The home rule city act,"  
by amending section 4i (MCL 117.4i), as amended by 2012 PA 7.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4i. Each city may provide in its charter for 1 or more of  
2 the following:

3       (a) Laying and collecting rents, tolls, and excises.

4       (b) Regulating and restricting the locations of oil and  
5 gasoline stations.

6       (c) The establishment of districts or zones within which the  
7 use of land and structures, the height, area, size, and location of  
8 buildings, the required open spaces for light and ventilation of  
9 buildings, and the density of population may be regulated by  
10 ordinance. The zoning ordinance provisions applicable to 1 or more

1 districts may differ from those applicable to other districts. If a  
2 city is incorporated, or if territory is annexed to a city  
3 incorporated under this act, the zoning ordinance provisions  
4 applicable to the territory within the newly incorporated city or  
5 the annexed territory shall remain in effect for 2 years after the  
6 incorporation or annexation unless the legislative body of the city  
7 lawfully adopts other zoning ordinance provisions.

8 (d) The regulation of trades, occupations, and amusements  
9 within city boundaries, if the regulations are not inconsistent  
10 with state or federal law, and the prohibition of trades,  
11 occupations, and amusements that are detrimental to the health,  
12 morals, or welfare of the inhabitants of that city.

13 (e) The regulation or prohibition of public nudity within city  
14 boundaries. As used in this subdivision, "public nudity" means  
15 knowingly or intentionally displaying in a public place, or for  
16 payment or promise of payment by any person including, but not  
17 limited to, payment or promise of payment of an admission fee, any  
18 individual's genitals or anus with less than a fully opaque  
19 covering or a female individual's breast with less than a fully  
20 opaque covering of the nipple and areola. Public nudity does not  
21 include any of the following:

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

26 (ii) Material as defined in section 2 of 1984 PA 343, MCL  
27 752.362.

1           (iii) Sexually explicit visual material as defined in section 3  
2 of 1978 PA 33, MCL 722.673.

3           (f) Licensing, regulating, restricting, and limiting the  
4 number and locations of billboards within the city.

5           (g) The initiative and referendum on all matters within the  
6 scope of the powers of that city and the recall of city officials.

7           (h) A system of civil service for city employees, including  
8 employees of that city's board of health, and employees of any jail  
9 operated or maintained by the city. Charter provisions providing  
10 for a system of civil service for employees of a local health board  
11 are valid and effective.

12           (i) A system of compensation for city employees and the  
13 dependents of city employees in the case of disability, injury, or  
14 death of city employees.

15           (j) The enforcement of police, sanitary, and other ordinances  
16 that are not in conflict with the general laws.

17           (k) The punishment of persons who violate city ordinances  
18 other than ordinances described in section 4/. The penalty for a  
19 violation of such a city ordinance shall not exceed a fine of  
20 \$500.00 or imprisonment for 90 days, or both. However, unless  
21 otherwise provided by law, the ordinance may provide that a  
22 violation of the ordinance is punishable by imprisonment for not  
23 more than 93 days or a fine of not more than \$500.00, or both, if  
24 the violation substantially corresponds to a violation of state law  
25 that is a misdemeanor for which the maximum period of imprisonment  
26 is 93 days. In addition, a city may adopt section 625(1)(c) of the  
27 Michigan vehicle code, 1949 PA 300, MCL 257.625, by reference in an

1 adopting ordinance and shall provide that a violation of that  
2 ordinance is punishable by 1 or more of the following:

3 (i) Community service for not more than 360 hours.

4 (ii) Imprisonment for not more than 180 days.

5 (iii) A fine of not less than \$200.00 or more than \$700.00.

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

9 (a) Senate Bill No.\_\_\_\_ or House Bill No. 5678 (request no.  
10 05695'14).

11 (b) Senate Bill No.\_\_\_\_ or House Bill No. 5681 (request no.  
12 05696'14).

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