

# SENATE BILL No. 788

March 5, 1992, Introduced by Senators DI NELLO, BERRYMAN, GEAKE, CARL, WELBORN, ARTHURHULTZ, BARCIA, DILLINGHAM, KOIVISTO, EMMONS, MC MANUS and EHLERS and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend sections 4i and 5h of Act No. 279 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; and to repeal certain acts and parts of acts on specific dates,"

section 4i as amended and section 5h as added by Act No. 175 of the Public Acts of 1991, being sections 117.4i and 117.5h of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 4i and 5h of Act No. 279 of the Public  
2 Acts of 1909, section 4i as amended and section 5h as added by  
3 Act No. 175 of the Public Acts of 1991, being sections 117.4i and  
4 117.5h of the Michigan Compiled Laws, are amended to read as  
5 follows:

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

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

3       (b) For regulating and restricting the locations of oil and  
4 gasoline stations.

5       (c) For the establishment of districts or zones within which  
6 the use of land and structures, the height, area, size, and loca-  
7 tion of buildings, the required open spaces for light and venti-  
8 lation of buildings, and the density of population, may be regu-  
9 lated by ordinance. The zoning ordinances in 1 or more districts  
10 may differ from the zoning ordinances in other districts. If a  
11 city is incorporated, or if territory is annexed to a city incor-  
12 porated under this act, the zoning ordinances of the territory  
13 within the newly incorporated city or of the annexed territory  
14 shall remain in effect for 2 years after the incorporation or  
15 annexation unless the legislative body of the city lawfully  
16 adopts other zoning ordinances.

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

22       (e) For the regulation or prohibition of public nudity  
23 within city boundaries. As used in this subdivision, "public  
24 nudity" means knowingly or intentionally displaying in a public  
25 place, or for payment or promise of payment by any person includ-  
26 ing, but not limited to, payment or promise of payment of an  
27 admission fee, any individual's genitals or anus with less than a

1 fully opaque covering, OR A FEMALE INDIVIDUAL'S BREAST WITH LESS  
2 THAN A FULLY OPAQUE COVERING OF THE NIPPLE AND AREOLA.

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

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

8 (h) For a system of civil service for city employees,  
9 including employees of that city's board of health, and employees  
10 of any jail operated or maintained by the city. Charter provi-  
11 sions heretofore or hereafter adopted providing for a system of  
12 civil service for employees of a local health board are valid and  
13 effective.

14 (i) For a system of compensation for city employees and the  
15 dependents of city employees in the case of disability, injury,  
16 or death of city employees.

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

19 (k) For the punishment of persons who violate city  
20 ordinances. However, the penalty for a violation of a city ordi-  
21 nance shall not exceed a fine of \$500.00, or imprisonment for 90  
22 days, or both.

23 Sec. 5h. (1) Whether or not so provided in its charter, a  
24 city may, by ordinance, regulate or prohibit public nudity within  
25 city boundaries.

26 (2) As used in this section, "public nudity" means knowingly  
27 or intentionally displaying in a public place, or for payment or

1 promise of payment by any person including, but not limited to,  
2 payment or promise of payment of an admission fee, any  
3 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.