

SENATE BILL No. 789

March 5, 1992, Introduced by Senators DI NELLO, BERRYMAN, GEAKE, WELBORN, CARL, 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 section 1 of Act No. 3 of the Public Acts of 1895, entitled as amended

"An act to provide for the incorporation of villages; to define their powers and duties; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness by villages; to define the powers and duties of the municipal finance commission or its successor agency and of the department of treasury with regard thereto; to define the application of this act and provide for its amendment by villages subject thereto; and to validate prior amendments and certain prior actions taken and bonds issued by villages,"

as amended by Act No. 176 of the Public Acts of 1991, being section 67.1 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 3 of the Public Acts of
2 1895, as amended by Act No. 176 of the Public Acts of 1991, being
3 section 67.1 of the Michigan Compiled Laws, is amended to read as
4 follows:

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

7 (a) To restrain and prevent vice and immorality.

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

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

11 (d) To prohibit and suppress disorderly houses and gaming
12 houses.

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

15 (f) To suppress gaming.

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

17 (h) To license auctioneers, license and regulate hawkers and
18 peddlers, to regulate or prohibit sales of property at auction
19 except sales made pursuant to an order of a court or public law,
20 to require transient traders and dealers to obtain a license
21 before engaging in business, and to regulate by ordinance the
22 terms and conditions of issuing those licenses.

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

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

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

3 (l) To regulate or prohibit the selling, storing, or trans-
4 portation of combustible or explosive substances or materials
5 within the village, and to regulate and restrain the making of
6 fires in the streets or other open spaces in the village.

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

10 (n) To license and regulate solicitors for passengers or
11 baggage for any hotel, tavern, public house, boat, or railroad,
12 and draymen, carmen, truckmen, porters, runners, drivers of cabs,
13 hackney coaches, omnibuses, carriages, sleighs, express vehicles,
14 and other vehicles used and employed for hire, and to fix and
15 regulate the amount and rate of compensation of those
16 individuals.

17 (o) To require horses, mules, or other animals attached to
18 any vehicle or standing in any street, lane, or alley in the vil-
19 lage to be securely fastened, hitched, watched, or held.

20 (p) To prevent and punish horse racing and immoderate driv-
21 ing in any street, park, or alley and to authorize the stopping
22 and detaining of any person who is immoderately driving or riding
23 in any street, park, or alley in the village.

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

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

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

5 (t) To regulate the placement and provide for the preserva-
6 tion of horse posts or hitching posts.

7 (u) To declare and define the powers and duties of the offi-
8 cers of the village whose powers and duties are not specifically
9 prescribed in this act.

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

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

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

18 (y) To investigate any matter that may come under the juris-
19 diction of the village and that is pursuant to the authority
20 vested in the council or in any officer under this act. The
21 council by majority consent of the council members serving may
22 serve upon a person a subpoena that has been authorized by a
23 court of proper jurisdiction in the county in which the village
24 is located compelling the person to appear before the council or
25 any committee of the council to be examined under oath or to
26 produce a document or object for inspection or copying. If a
27 person objects to or otherwise fails to comply with the written

1 notice served upon him or her, the council may file in that court
2 an action to enforce the subpoena. The court may issue an order
3 requiring the person to appear to be examined or to produce a
4 document or object for inspection or copying. Failure to obey
5 the order of the court is punishable by the court as a contempt.

6 (z) To adopt other ordinances and make other regulations for
7 the safety and good government of the village and the general
8 welfare of its inhabitants that are not inconsistent with the
9 general laws of this state.

10 (aa) To regulate or prohibit public nudity within village
11 boundaries. As used in this subdivision, "public nudity" means
12 knowingly or intentionally displaying in a public place, or for
13 payment or promise of payment by any person including, but not
14 limited to, payment or promise of payment of an admission fee,
15 any individual's genitals or anus with less than a fully opaque
16 covering, OR A FEMALE INDIVIDUAL'S BREAST WITH LESS THAN A FULLY
17 OPAQUE COVERING OF THE NIPPLE AND AREOLA.