

Act No. 313
Public Acts of 1994
Approved by the Governor
July 21, 1994
Filed with the Secretary of State
July 21, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator DiNello

ENROLLED SENATE BILL No. 107

AN ACT 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

Section 1 Sections 4i and 5h of Act No. 279 of the Public Acts of 1909 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 are amended to read as follows

Sec. 4i Each city may in its charter provide

(a) For laying and collecting rents tolls and excises

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

(c) For the establishment of districts or zones within which the use of land and structures the height area size and location of buildings the required open spaces for light and ventilation of buildings and the density of population may be regulated by ordinance The zoning ordinances in 1 or more districts may differ from the zoning ordinances in other districts If a city is incorporated or if territory is annexed to a city incorporated under this act the zoning ordinances of the territory within the newly incorporated city or of the annexed territory shall remain in effect for 2 years after the incorporation or annexation unless the legislative body of the city lawfully adopts other zoning ordinances

(d) For the regulation of trades occupations and amusements within city boundaries if the regulations are not inconsistent with state or federal law and for the prohibition of trades occupations and amusements that are detrimental to the health morals or welfare of the inhabitants of that city

(e) For the regulation or prohibition of public nudity within city boundaries As used in this subdivision public nudity means knowingly or intentionally displaying in a public place or for payment or promise of payment by any person including but not limited to payment or promise of payment of an admission fee any individual's genitals or anus with less than a fully opaque covering or a female individual's breast with less than a fully opaque covering of the nipple and areola Public nudity does not include any of the following

(i) A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding

(v) Material as defined in section 2 of Act No 343 of the Public Acts of 1984 being section 752 362 of the Michigan Compiled Laws

(vi) Sexually explicit visual material as defined in section 3 of Act No 33 of the Public Acts of 1978 being section 722 673 of the Michigan Compiled Laws

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

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

(h) For a system of civil service for city employees including employees of that city's board of health and employees of any jail operated or maintained by the city Charter provisions heretofore or hereafter adopted providing for a system of civil service for employees of a local health board are valid and effective

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

(j) For the enforcement of police sanitary and other ordinances that are not in conflict with the general laws

(k) For the punishment of persons who violate city ordinances However the penalty for a violation of a city ordinance shall not exceed a fine of \$500 00 or imprisonment for 90 days or both

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

(2) As used in this section public nudity means knowingly or intentionally displaying in a public place or for payment or promise of payment by any person including but not limited to payment or promise of payment of an admission fee any individual's genitals or anus with less than a fully opaque covering or a female individual's breast with less than a fully opaque covering of the nipple and areola A woman's breastfeeding of a baby does not under any circumstances constitute nudity irrespective of whether or not the nipple is covered during or incidental to the feeding

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor