

Act No. 314
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. 108

AN ACT to amend section 1 of chapter VII 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

Section 1 Section 1 of chapter VII of Act No 3 of the Public Acts of 1895 as amended by Act No 176 of the Public Acts of 1991 being section 67 1 of the Michigan Compiled Laws is amended to read as follows

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
- (b) To punish vagrants disorderly persons and prostitutes
- (c) To abate nuisances and preserve the public health
- (d) To prohibit and suppress disorderly houses and gaming houses
- (e) To regulate license or suppress billiard tables and ball alleys public dance halls and soft drink emporiums
- (f) To suppress gaming

(g) To regulate and license public shows and exhibitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(x) To provide for the care custody and preservation of the public property of the village

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

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

(aa) To regulate or prohibit public nudity within village 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

(ii) 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

(iii) 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

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor

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