



HOUSE BILL No. 5655

June 21 1994 Introduced by Reps Bodem Dobronski Vorva McManus Voorhees Profit Brackenridge Johnson, Fitzgerald Cropsey, Horton Dalman London Hammerstrom, Sikkema Dobb Hill Nye Walberg Yokich Gire Martinez Weeks Clack, Porreca and Mathieu and referred to the Committee on Local Government

A bill to amend section 41 of Act No 279 of the Public Acts of 1909 entitled as amended

The home rule city act,
as amended by Act No 17 of the Public Acts of 1994 being section 117 41 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 41 of Act No 279 of the Public Acts of
2 1909 as amended by Act No 17 of the Public Acts of 1994 being
3 section 117 41 of the Michigan Compiled Laws is amended to read
4 as follows

5 Sec 41 Each city may in its charter provide

6 (a) For laying and collecting rents, tolls and excises

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

1 (c) For the establishment of districts or zones within which
2 the use of land and structures, the height area, size and
3 location of buildings, the required open spaces for light and
4 ventilation of buildings and the density of population, may be
5 regulated by ordinance The zoning ordinance provisions applica-
6 ble to 1 or more districts may differ from those applicable to
7 other districts If a city is incorporated, or if territory is
8 annexed to a city incorporated under this act, the zoning ordi-
9 nance provisions applicable to the territory within the newly
10 incorporated city or the annexed territory shall remain in effect
11 for 2 years after the incorporation or annexation unless the leg-
12 islative body of the city lawfully adopts other zoning ordinance
13 provisions

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

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

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

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

4 (h) For a system of civil service for city employees
 5 including employees of that city s board of health, and employees
 6 of any jail operated or maintained by the city Charter provi-
 7 sions providing for a system of civil service for employees of a
 8 local health board are valid and effective

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

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

14 (k) For the punishment of persons who violate city ordi-
 15 nances other than ordinances described in section 44(1) (2) or
 16 (3) ~~However, the~~ THE penalty for a violation of such a city
 17 ordinance shall not exceed a fine of \$500 00 or imprisonment for
 18 90 days or both HOWEVER, THE PENALTY FOR A VIOLATION OF SUCH A
 19 CITY ORDINANCE SHALL NOT EXCEED A FINE OF \$500 00 OR IMPRISONMENT
 20 FOR 93 DAYS OR BOTH, IF EITHER OF THE FOLLOWING APPLIES

21 (1) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
 22 UNDER SECTION 81(2) 131(3)(A)(1) OR 356D OF THE MICHIGAN PENAL
 23 CODE ACT NO 328 OF THE PUBLIC ACTS OF 1931, BEING SECTIONS
 24 750 81, 750 131, AND 750 356D OF THE MICHIGAN COMPILED LAWS

25 (11) THE VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION
 26 UNDER SECTION 300A(1)(A) OF ACT NO 328 OF THE PUBLIC ACTS OF
 27 1931 BEING SECTION 750 300A OF THE MICHIGAN COMPILED LAWS, AND

1 THE DEFENDANT DOES NOT HAVE A PRIOR CONVICTION FOR A VIOLATION OF
2 SECTION 300A OF ACT NO 328 OF THE PUBLIC ACTS OF 1931