



SENATE BILL No. 738

August 31, 1993, Introduced by Senator CONROY and referred to the Committee on Judiciary.

A bill to amend section 1a of chapter I, section 20 of chapter VII, section 9 of chapter VIII, sections 1 and 2 of chapter IX, sections 1, 4, 6, 10, 11, 12, 13, 15, and 16 of chapter X, sections 1, 2, and 3 of chapter XI, section 4 of chapter XII, section 8 of chapter XV, section 4 of chapter XVII, section 1 of chapter XVIII, and section 3 of chapter XXX of Act No. 215 of the Public Acts of 1895, entitled as amended

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

1 Section 1. Section 1a of chapter I, section 20 of chapter
2 VII, section 9 of chapter VIII, sections 1 and 2 of chapter IX,
3 sections 1, 4, 6, 10, 11, 12, 13, 15, and 16 of chapter X, sec-
4 tions 1, 2, and 3 of chapter XI, section 4 of chapter XII, sec-
5 tion 8 of chapter XV, section 4 of chapter XVII, section 1 of
6 chapter XVIII, and section 3 of chapter XXX of Act No. 215 of the
7 Public Acts of 1895, being sections 81.1a, 87.20, 88.9, 89.1,
8 89.2, 90.1, 90.4, 90.6, 90.10, 90.11, 90.12, 90.13, 90.15, 90.16,
9 91.1, 91.2, 91.3, 92.4, 95.8, 97.4, 98.1, and 110.3 of the
10 Michigan Compiled Laws, are amended to read as follows:

12 Sec. 1a. As used in this act, ~~the phrase "having a~~
13 ~~population," or any phrase or combination of words of like~~
14 ~~import, shall be construed to mean "now or hereafter having a~~
15 ~~population of." The words "last," "latest," "preceding" or "last~~
16 ~~preceding" used in connection with a "federal" or "United States"~~
17 ~~or other census, or any words, phrases or combinations of words~~
18 ~~of like import, shall be construed to also include any such~~
19 ~~census taken after the enactment of the statute.~~ "CIVIL
20 INFRACTION", "CIVIL INFRACTION ACTION", AND "MUNICIPAL CIVIL
21 INFRACTION" MEAN THOSE TERMS AS DEFINED IN SECTION 113 OF THE
22 REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF
23 1961, BEING SECTION 600.113 OF THE MICHIGAN COMPILED LAWS.

CHAPTER VII

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2 Sec. 20. The attorney, in addition to the other duties pre-
3 scribed in this act, shall be the legal adviser of the council
4 ~~—~~ and of all officers of the city, ~~and~~ shall act as the
5 attorney and solicitor for the corporation in all legal proceed-
6 ings in which the corporation is interested, and, ~~he~~ EXCEPT AS
7 OTHERWISE PROVIDED BY LAW, shall prosecute ~~all offenses against~~
8 VIOLATIONS OF the ordinances of the city.

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CHAPTER VIII

10 Sec. 9. The council, by ordinance, may compel the
11 attendance of council members and other officers of the city at
12 its meetings, may enforce fines for nonattendance of a member or
13 officer, and may prescribe ~~punishment~~ SANCTIONS for any misbe-
14 havior or contemptuous or disorderly conduct by a member or a
15 person present at a session of the council. The ordinance shall
16 not conflict, as written or applied, with section 3 of THE OPEN
17 MEETINGS ACT, Act No. 267 of the Public Acts of 1976, being sec-
18 tion 15.263 of the Michigan Compiled Laws.

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CHAPTER IX

20 Sec. 1. The style of ~~all ordinances~~ EACH ORDINANCE shall
21 be, "The city of ordains." ~~All ordinances~~
22 EACH ORDINANCE shall require ~~—~~ for ~~their~~ ITS passage ~~—~~ the
23 concurrence of a majority of all the aldermen ~~elect~~ ELECTED OR
24 APPOINTED, exclusive of the mayor or other officer or person
25 legally exercising the duties of the office of mayor. The time
26 when ~~any~~ AN ordinance ~~shall take~~ TAKES effect shall be
27 prescribed ~~therein~~ IN THE ORDINANCE. ~~Such time, when~~ IF the

1 ordinance imposes a ~~penalty~~ SANCTION, THE ORDINANCE shall TAKE
2 EFFECT not ~~be~~ less than 20 days ~~from~~ AFTER the day of its
3 passage.

4 Sec. 2. (1) ~~When, by the provisions of this act, the~~ THE
5 council of ~~any~~ A city ~~has authority to pass ordinances for any~~
6 ~~purpose they~~ may prescribe ~~finest, penalties and forfeitures~~ A
7 SANCTION FOR THE VIOLATION OF AN ORDINANCE.

8 (2) If a violation of an ordinance is a civil infraction,
9 the ordinance shall provide a civil fine for its violation.

10 (3) A violation of an ordinance is a municipal civil infrac-
11 tion only if the ordinance explicitly states that a violation is
12 a municipal civil infraction. AN ORDINANCE SHALL NOT MAKE AN ACT
13 OR OMISSION A MUNICIPAL CIVIL INFRACTION IF THAT ACT OR OMISSION
14 CONSTITUTES A CRIME UNDER ANY OF THE FOLLOWING:

15 (A) ARTICLE 7 OR SECTION 17766A OF THE PUBLIC HEALTH CODE,
16 ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SECTIONS 333.7101
17 TO 333.7545 AND 333.17766A OF THE MICHIGAN COMPILED LAWS.

18 (B) THE MICHIGAN PENAL CODE, ACT NO. 328 OF THE PUBLIC ACTS
19 OF 1931, BEING SECTIONS 750.1 TO 750.568 OF THE MICHIGAN COMPILED
20 LAWS.

21 (C) ACT NO. 158 OF THE PUBLIC ACTS OF 1966, BEING
22 SECTIONS 752.11 TO 752.12 OF THE MICHIGAN COMPILED LAWS.

23 (D) SECTION 1 OF ACT NO. 70 OF THE PUBLIC ACTS OF 1877,
24 BEING SECTION 752.21 OF THE MICHIGAN COMPILED LAWS.

25 (E) ACT NO. 119 OF THE PUBLIC ACTS OF 1967, BEING
26 SECTIONS 752.271 TO 752.274 OF THE MICHIGAN COMPILED LAWS.

(F) SECTION 25 OF CHAPTER 158 OF THE REVISED STATUTES OF 1846, BEING SECTION 752.525 OF THE MICHIGAN COMPILED LAWS.

(G) SECTION 2 OF ACT NO. 26 OF THE PUBLIC ACTS OF 1970, BEING SECTION 752.582 OF THE MICHIGAN COMPILED LAWS.

(H) SECTION 5 OF ACT NO. 105 OF THE PUBLIC ACTS OF 1951, BEING SECTION 752.825 OF THE MICHIGAN COMPILED LAWS.

(I) ACT NO. 10 OF THE PUBLIC ACTS OF 1952, BEING SECTIONS 752.841 TO 752.845 OF THE MICHIGAN COMPILED LAWS.

(J) SECTION 1 OF ACT NO. 45 OF THE PUBLIC ACTS OF 1952, BEING SECTION 752.861 OF THE MICHIGAN COMPILED LAWS.

(K) SECTION 1 OF ACT NO. 81 OF THE PUBLIC ACTS OF 1954, BEING SECTION 752.881 OF THE MICHIGAN COMPILED LAWS.

(L) SECTION 3A OF ACT NO. 106 OF THE PUBLIC ACTS OF 1963, BEING SECTION 752.903A OF THE MICHIGAN COMPILED LAWS.

(4) IF A VIOLATION OF AN ORDINANCE IS NOT A CIVIL INFRAC-
TION, THE COUNCIL MAY PRESCRIBE A FINE OR FORFEITURE not exceed-
ing ~~500 dollars~~ (\$500.00, unless a greater fine or ~~penalty is~~
~~herein~~ FORFEITURE IS authorized ~~)~~ IN THIS ACT, or imprisonment
not exceeding ~~6 months~~ 180 DAYS, or both, in the discretion of
the court, together with the costs of prosecution for each viola-
tion of ~~any of said ordinances~~ THE ORDINANCE; ~~and~~ may provide
that the offender, on failing to pay ~~any such~~ A fine ~~or~~
~~penalty~~ or forfeiture, ~~and~~ OR the costs of prosecution, may be
imprisoned for ~~any~~ A term not exceeding ~~6 months~~ 180 DAYS
unless payment ~~thereof be~~ IS sooner made BEFORE THE EXPIRATION
OF THE TERM; and may direct ~~such~~ THE imprisonment to be ~~in the~~
~~city prison, or~~ in the county jail of the county within which

1 the city is located ~~—~~ or in ~~such other~~ A prison or OTHER
 2 place of confinement in the state as provided by law. ~~Such~~
 3 ~~fine, penalty, forfeiture and imprisonment,~~

4 (5) A SANCTION for the violation of ~~any~~ AN ordinance ~~—~~
 5 shall be prescribed ~~therein~~ IN THE ORDINANCE.

6 CHAPTER X

7 Sec. 1. ~~Prosecutions for violations of the ordinances of~~
 8 ~~cities~~ AN ACTION FOR A VIOLATION OF AN ORDINANCE OF A CITY
 9 incorporated under this act ~~—~~ shall be commenced within 2 years
 10 after the commission of the ~~offense, and shall be brought within~~
 11 ~~the city~~ VIOLATION. THIS SECTION DOES NOT APPLY TO A VIOLATION
 12 OF AN ORDINANCE THAT CONSTITUTES A CIVIL INFRACTION.

13 Sec. 4. ~~Prosecutions for violations of the ordinances of~~
 14 ~~the city may also, in all cases, except against corporations,~~
 15 EXCEPT IN THE CASE OF A CIVIL INFRACTION ACTION OR AN ACTION
 16 AGAINST A CORPORATION, AN ACTION FOR THE VIOLATION OF AN ORDI-
 17 NANCE OF THE CITY MAY be commenced by warrant for the arrest of
 18 the offender.

19 Sec. 6. ~~If the accused shall be convicted, the court shall~~
 20 ~~render judgment thereon, and inflict such punishment, either by~~
 21 ~~fine or imprisonment, or both,~~ UPON JUDGMENT OR CONVICTION, THE
 22 COURT SHALL IMPOSE A SANCTION not exceeding the limit prescribed
 23 in the ordinance violated, as the nature of the case may require,
 24 together with such costs of prosecution as the court shall
 25 order. IN A CIVIL INFRACTION ACTION, THE DISTRICT COURT MAY
 26 ASSESS COSTS AS PROVIDED IN SECTION 907 OF THE MICHIGAN VEHICLE
 27 CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION

1 257.907 OF THE MICHIGAN COMPILED LAWS, OR SECTION 8727 OF THE
2 REVISED JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF
3 1961, BEING SECTION 600.8727 OF THE MICHIGAN COMPILED LAWS.

4 Sec. 10. (1) It ~~shall~~ IS not ~~be~~ necessary in ~~any~~
5 ~~suit,~~ A proceeding ~~or prosecution,~~ for the violation of ~~any~~
6 AN ordinance of the city ~~,~~ to state or set forth ~~such~~ THE
7 ordinance or ~~any~~ A provision ~~thereof,~~ OF THE ORDINANCE in
8 ~~any complaint,~~ A warrant, process, or pleading. ~~therein, but~~
9 ~~the same shall be deemed sufficiently set forth or stated, by~~
10 ~~reciting its title and the date of its passage or approval. It~~
11 ~~shall be~~ IS a sufficient statement of the cause of action in
12 ~~any such complaint or~~ THE warrant, PROCESS, OR PLEADING to set
13 forth substantially, and with reasonable certainty as to time and
14 place, the act or offense complained of ~~,~~ and to allege ~~the~~
15 ~~same~~ IT to be in violation of an ordinance of the city, refer-
16 ring ~~thereto~~ TO THE ORDINANCE by its title and the date of its
17 passage or approval. ~~, and every court~~ THIS SUBSECTION DOES
18 NOT APPLY TO AN ORDINANCE VIOLATION THAT CONSTITUTES A CIVIL
19 INFRACTION.

20 (2) A JUDGE or magistrate having authority to hear or deter-
21 mine ~~the cause~~ A PROCEEDING FOR THE VIOLATION OF AN ORDINANCE
22 OF THE CITY shall take judicial notice of the enactment OR
23 ADOPTION, existence, and provisions of the ordinances of the city
24 ~~,~~ and the resolutions of the council ~~,~~ and of the authority
25 of the city OR COUNCIL to enact OR ADOPT the ~~same~~ ORDINANCES
26 AND RESOLUTIONS.

1 Sec. 11. (1) In ~~prosecutions for violations of the~~
 2 ~~ordinances~~ A PROSECUTION FOR A VIOLATION OF AN ORDINANCE of the
 3 city, OTHER THAN A VIOLATION CONSTITUTING A CIVIL INFRACTION,
 4 either party may require a trial by jury. ~~The jury, except when~~
 5 ~~other provision is made, shall consist of 6 persons.~~ In ~~suits~~
 6 A PROSECUTION commenced by warrant, the jury shall be selected
 7 and summoned as in misdemeanor cases in the district court.

8 (2) In A civil ~~actions~~ ACTION to recover ~~penalties for~~
 9 ~~the~~ A FINE OR FORFEITURE FOR A city ordinance violation, the
 10 jury shall be selected and summoned as in other civil actions in
 11 the district court.

12 (3) EXCEPT AS OTHERWISE PROVIDED BY LAW, A JURY UNDER THIS
 13 SECTION SHALL CONSIST OF 6 PERSONS.

14 (4) An inhabitant of the city ~~shall~~ IS not ~~be~~ incompe-
 15 tent to serve as a juror in ~~any~~ A cause in which the city ~~is a~~
 16 ~~party or~~ is interested ~~due~~ solely ~~to~~ BECAUSE OF the interest
 17 in the outcome of the action ~~which~~ THAT the person may have in
 18 common with the other inhabitants of the city.

19 Sec. 12. (1) In an action commenced by warrant as provided
 20 in this act, a party convicted of a violation of an ordinance of
 21 the city may appeal the judgment to the circuit court in the
 22 county in which the city is located, in the same manner as in
 23 misdemeanor cases appealed from the district court. THIS SUBSEC-
 24 TION DOES NOT APPLY TO AN ORDINANCE VIOLATION CONSTITUTING A
 25 CIVIL INFRACTION.

26 (2) In a suit to which the city is a party, brought to
 27 recover a ~~penalty~~ FINE or forfeiture for violation of an

1 ordinance, either party may appeal from the judgment to the
 2 circuit court in the county in which the city is located, in the
 3 same manner as in civil actions appealed from the district court,
 4 except that the city ~~shall~~ IS not ~~be~~ required to give a bond
 5 or security.

6 (3) The circuit court to which the cause is appealed shall
 7 take judicial notice of the ordinances of the city and the reso-
 8 lutions of the council.

9 Sec. 13. ~~All fines~~ EXCEPT IN CASES IN WHICH A FINE IS
 10 PAID TO A PARKING VIOLATIONS BUREAU OR A MUNICIPAL ORDINANCE VIO-
 11 LATIONS BUREAU PURSUANT TO SECTION 8395 OR 8396 OF THE REVISED
 12 JUDICATURE ACT OF 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961,
 13 BEING SECTIONS 600.8395 AND 600.8396 OF THE MICHIGAN COMPILED
 14 LAWS, A FINE imposed for ~~violations of the ordinances~~ A VIOLA-
 15 TION OF AN ORDINANCE of the city ~~, if paid before the accused is~~
 16 ~~committed,~~ shall be received by the ~~court or magistrate before~~
 17 ~~whom the~~ CLERK FOR THE COURT IN WHICH JUDGMENT OR conviction was
 18 had. If ~~any fine shall be~~ THE FINE IS collected upon execu-
 19 tion, the ~~officer or persons~~ PERSON receiving the ~~same~~ FINE
 20 shall immediately pay ~~over~~ the money collected to ~~such court~~
 21 ~~or magistrate~~ THAT CLERK. If the ~~accused be~~ DEFENDANT IS com-
 22 mitted, ~~payment of~~ the fine and costs imposed shall be ~~made~~
 23 PAID to the sheriff or other keeper of the jail or prison, who
 24 shall, within 30 days ~~thereafter, pay the same to said court or~~
 25 ~~magistrate, and the court or magistrate receiving any such fine~~
 26 ~~or penalty or any part thereof, shall pay the same into the city~~
 27 ~~treasury except such fines as by the constitution are~~

~~1 appropriated for library purposes on or before the first Monday~~
~~2 of the month next after the receipt of the same and take the~~
~~3 treasurer's receipt for and file the same with the city~~ AFTER
4 RECEIVING PAYMENT, PAY THE MONEY TO THAT clerk FOR DISTRIBUTION
5 PURSUANT TO ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SEC-
6 TIONS 600.101 TO 600.9947 OF THE MICHIGAN COMPILED LAWS.

7 Sec. 15. Fines paid into the city treasury for violations
8 of ordinances of the city ~~—~~ shall be disposed of as the council
9 may direct. ~~The expenses of the apprehension and punishment of~~
10 ~~persons violating the ordinances~~ EXPENSE OF APPREHENDING AND
11 SANCTIONING A PERSON WHO VIOLATES AN ORDINANCE of the city,
12 ~~excepting such part as shall be~~ EXCEPT THE PART OF THE EXPENSE
13 paid by costs collected, shall be defrayed by the city.

14 Sec. 16. The district court in the judicial district in
15 which a city incorporated under this act is located ~~—~~ shall
16 ~~have~~ HAS jurisdiction to hear, try, and determine ~~all causes~~
17 ~~arising under the ordinances of the city for violations~~ A CASE
18 FOR A VIOLATION of an ordinance OF THE CITY. ~~The~~ UNLESS THE
19 CASE IS A CIVIL INFRACTION ACTION, proceedings in the district
20 court ~~in these cases~~ shall be the same as in ~~prosecutions to~~
21 ~~recover penalties and forfeitures, and to punish violations of~~
22 ~~the criminal laws of the~~ A PROSECUTION TO RECOVER A PENALTY OR
23 FORFEITURE OR TO PUNISH A VIOLATION OF A CRIMINAL LAW OF THIS
24 state. The laws of this state regulating prosecutions in misde-
25 meanor cases and the recovery of penalties ~~shall~~ apply.

CHAPTER XI

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Sec. 1. (1) ~~Every~~ A city incorporated under the provisions of this act ~~, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned,~~ HAS, and the council may pass ~~such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, namely~~ RELATING TO, THE FOLLOWING GENERAL POWERS:

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(A) ~~First,~~ To restrain and prevent vice and immorality, gambling, noise and disturbance, AND indecent or disorderly conduct or assemblages; ~~, and to punish for the same, to prevent and quell riots; to preserve peace and good order; , and to protect the property of the corporation, and of its inhabitants, and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith,~~ CITY OR OF PERSONS IN THE CITY.

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(B) ~~Second,~~ To apprehend and punish vagrants, truants, mendicants, street beggars, drunkards and persons found drunk in any of the public streets or places in the city, disorderly persons, and persons conducting themselves in a disorderly manner in any of the public streets or places in the city, and common prostitutes; TO PROHIBIT VAGRANCY, TRUANCY, BEGGING, PUBLIC DRUNKENNESS, DISORDERLY CONDUCT, OR PROSTITUTION.

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(C) ~~Third,~~ To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; AND to prevent and

1 abate nuisances. ~~and to punish those occasioning them, or~~
2 ~~neglecting or refusing to abate, discontinue or remove the same,~~

3 (D) ~~Fourth,~~ To prohibit and suppress ~~all disorderly~~
4 ~~houses and places, houses of ill fame, assignation houses, gambl-~~
5 ~~ing houses, and all places where persons resort for gaming or to~~
6 ~~play at games of chance, and to punish the keepers thereof,~~
7 PLACES OF DISORDERLY CONDUCT, IMMORALITY, OR VICE.

8 (E) ~~Fifth,~~ To regulate or license the use of ~~billiard~~
9 ~~tables, nine or ten pin alleys or tables and ball alleys,~~ PLACES
10 OF ENTERTAINMENT.

11 (F) ~~Sixth,~~ To prohibit and suppress ~~every species of~~
12 ~~gambling~~ and to authorize the seizure and destruction of
13 ~~all instruments and devices used for the purpose of gaming,~~
14 GAMBLING.

15 (G) ~~Seventh,~~ To prohibit and prevent the selling or giving
16 ~~of any spirituous, fermented or intoxicating liquors to any~~
17 ~~drunkard or intemperate person, minor or apprentice, and to~~
18 ~~punish any person so doing,~~ ALCOHOLIC LIQUOR, AS DEFINED IN
19 SECTION 2 OF THE MICHIGAN LIQUOR CONTROL ACT, ACT NO. 8 OF THE
20 PUBLIC ACTS OF THE EXTRA SESSION OF 1933, BEING SECTION 436.2 OF
21 THE MICHIGAN COMPILED LAWS.

22 (H) ~~Eighth,~~ To regulate, restrain, or prohibit ~~all~~
23 ~~sports, exhibitions, of natural or artificial curiosities, cara-~~
24 ~~vans, circuses, menageries, theatrical exhibitions, shows, and~~
25 ~~all exhibitions of whatever name or nature,~~ CARAVANS, AND SHOWS
26 for which money or other reward is ~~in any manner~~ demanded or

1 received, ~~+~~ EXCEPT lectures on historic, literary, or
 2 scientific subjects. ~~excepted;~~

3 (I) ~~Ninth,~~ To prevent ~~and punish violations~~ THE
 4 VIOLATION of the Sabbath day, ~~and~~ OR the disturbance of ~~any~~ A
 5 religious meeting, congregation, or society ~~,~~ or other public
 6 meeting assembled for ~~any~~ A lawful purpose; and to require ~~all~~
 7 ~~places of business~~ BUSINESSES to be closed on the Sabbath day.

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9 (J) ~~Tenth,~~ To license, REGULATE, OR PROHIBIT auctioneers,
 10 auctions, and sales ~~at auction; to regulate or prohibit the sale~~
 11 ~~of live or domestic animals at auction in the streets or alleys,~~
 12 ~~or upon any public grounds within the city; to regulate or pro-~~
 13 ~~hibit the sale of goods, wares, property, or anything at auction,~~
 14 ~~or by any manner of public biddings or offers by the buyers or~~
 15 ~~sellers after the manner of auction sales, and to license the~~
 16 ~~same,~~ BY PUBLIC BIDS OR OFFERS BY BUYERS OR SELLERS IN THE
 17 MANNER OF AUCTIONS; and to regulate the fees to be paid by and to
 18 auctioneers. ~~+~~ ~~but no~~ HOWEVER, A license shall NOT be required
 19 in case of sales required by law to be made at auction. ~~or~~
 20 ~~public vendue;~~

21 ~~Eleventh, To license hawkers, peddlers and pawnbrokers, and~~
 22 ~~hawking and peddling, and to regulate, license or prohibit the~~
 23 ~~sale or peddling of goods, wares, merchandise, refreshments or~~
 24 ~~any kind of property or thing by persons going about from place~~
 25 ~~to place in the city for that purpose, or from any stand, cart,~~
 26 ~~vehicle, or other device, in or upon the streets, highways,~~
 27 ~~alleys, sidewalks, or in or upon the wharves, docks, or from~~

~~1 boats, open places or spaces, public grounds or buildings in the~~
~~2 city;~~

3 (K) TO LICENSE, REGULATE, OR PROHIBIT HAWKING AND PEDDLING
 4 AND TO LICENSE PAWNBROKING.

5 (l) ~~Twelfth,~~ To license and regulate wharf boats ~~—~~ and
 6 to regulate the use of ~~tugs and other~~ boats ~~used~~ in and about
 7 the harbor, IF ANY, and within the jurisdiction of the city. ~~—~~

8 (M) ~~Thirteenth,~~ To establish, ~~or~~ authorize, license, and
 9 regulate ferries to and from the city ~~—~~ or ~~any~~ A place
 10 ~~therein, or from 1 part of the city to another,~~ IN THE CITY;
 11 and to regulate and prescribe ~~from time to time~~ the charges and
 12 prices for the transportation of persons and property ~~thereon;~~
 13 BY FERRY.

14 (N) ~~Fourteenth,~~ To regulate and license ~~all~~ taverns,
 15 ~~and~~ houses of public entertainment, ~~—~~ ~~all~~ saloons, restau-
 16 rants, and eating houses; and to regulate and prescribe the loca-
 17 tion of saloons. ~~—, but this shall not be construed as~~
 18 ~~authorizing~~ THIS SUBDIVISION DOES NOT AUTHORIZE the licensing of
 19 the sale of ~~intoxicating liquors;~~ ALCOHOLIC LIQUOR, AS DEFINED
 20 IN SECTION 2 OF ACT NO. 8 OF THE PUBLIC ACTS OF THE EXTRA SESSION
 21 OF 1933.

22 (O) ~~Fifteenth,~~ To license and regulate ~~all~~ vehicles ~~—~~
 23 ~~of every kind~~ used for the transportation of persons or property
 24 for hire ~~—~~ in the city; ~~—~~ and TO regulate or fix their stands
 25 on the streets and public places ~~—~~ and at wharves, boat land-
 26 ings, railroad station grounds, and other places. ~~—~~

1 (P) ~~Sixteenth,~~ To regulate and license ~~all~~ toll bridges
2 within the city ~~,~~ and to prescribe the rates and charges for
3 passage over the ~~same,~~ BRIDGES.

4 (Q) ~~Seventeenth,~~ To provide for and regulate the inspec-
5 tion of ~~meats, poultry, fish, butter, cheese, lard, vegetables,~~
6 ~~flour, meat and other provisions,~~ FOOD.

7 (R) ~~Eighteenth,~~ To regulate the inspection, weighing, and
8 measuring of brick, lumber, ~~fire-wood~~ FIREWOOD, coal, hay, and
9 any article of merchandise. ~~—~~

10 (S) ~~Nineteenth,~~ To provide for the inspection and sealing
11 of weights and measures and to enforce the keeping and use of
12 proper weights and measures by venders. ~~—~~

13 (T) ~~Twentieth,~~ To regulate the construction, repair, and
14 use of vaults, cisterns, areas, hydrants, pumps, sewers, and
15 gutters. ~~—~~

16 (U) ~~Twenty-first,~~ To prohibit and prevent ~~,~~ in the
17 ~~streets, or elsewhere in the city,~~ indecent exposure of the
18 person; ~~,~~ the show, sale, or exhibition for sale ~~,~~ of inde-
19 cent or obscene pictures, drawings, engravings, paintings, ~~and~~
20 books, or pamphlets; ~~,~~ and ~~all~~ indecent or obscene exhibi-
21 tions and shows. ~~of every kind,~~

22 (V) ~~Twenty-second,~~ To regulate or prohibit bathing in the
23 ~~rivers, ponds, streams and waters of the city,~~ CITY'S BODIES OF
24 WATER.

25 (W) ~~Twenty-third,~~ To provide for THE clearing ~~the rivers,~~
26 ~~ponds, canals and streams of the city, and the races connected~~
27 ~~therewith,~~ of ~~all~~ driftwood and noxious matter FROM THE CITY'S

1 BODIES OF WATER; AND to prohibit and prevent the depositing
 2 ~~therein of any filth or other~~ IN THE CITY'S BODIES OF WATER OF
 3 matter tending to render the ~~waters thereof~~ WATER impure,
 4 unwholesome, ~~and~~ OR offensive. ~~+~~

5 (X) ~~Twenty-fourth,~~ To compel the owner or occupant of any
 6 grocery, tallow chandler shop, soap or candy factory, butcher
 7 shop or stall, slaughter house, stable, barn, privy, sewer, or
 8 other offensive, nauseous, or unwholesome place ~~or house,~~ to
 9 cleanse, remove, or abate ~~the same whenever~~ IT WHEN the council
 10 ~~shall deem~~ CONSIDERS it necessary for the health, comfort, or
 11 convenience of the inhabitants of the city. ~~+~~

12 (Y) ~~Twenty-fifth,~~ To regulate the keeping, selling, and
 13 using of dynamite, gunpowder, firecrackers and fireworks, and
 14 other explosive or combustible materials; ~~and~~ TO REGULATE the
 15 exhibition of fireworks ~~and~~ the discharge of firearms; ~~and~~
 16 and to restrain the making ~~or lighting~~ of fires in the streets
 17 and other open spaces in the city. ~~+~~

18 (Z) ~~Twenty-sixth,~~ To direct and regulate the construction
 19 of cellars, slips, barns, private drains, sinks, and privies.
 20 ~~+~~

21 (AA) ~~Twenty-seventh,~~ To prohibit, prevent, and suppress
 22 mock auctions and ~~every kind of fraudulent game, device, or~~
 23 ~~practice, and to punish all persons~~ FRAUDULENT GAMES, DEVICES,
 24 AND PRACTICES. PERSONS managing, using, OR practicing; ~~or~~
 25 attempting to manage, use, or practice; ~~the same and all~~
 26 ~~persons~~ OR aiding in the management or practice ~~thereof,~~ OF A

1 MOCK AUCTION OR FRAUDULENT GAME, DEVICE, OR PRACTICE MAY BE
 2 SUBJECT TO THE PROVISIONS OF AN ORDINANCE UNDER THIS SUBDIVISION.

3 (BB) ~~Twenty-eighth,~~ To prohibit, prevent, and suppress
 4 ~~all~~ lotteries for the drawing or disposing of money ~~—~~ or
 5 ~~any~~ other property. ~~whatsoever and to punish all persons~~
 6 PERSONS maintaining, directing, or managing ~~the same,~~ SUCH
 7 LOTTERIES or aiding in the maintenance, directing, or managing
 8 ~~the same,~~ OF SUCH LOTTERIES MAY BE SUBJECT TO THE PROVISIONS OF
 9 AN ORDINANCE UNDER THIS SUBDIVISION.

10 (CC) ~~Twenty-ninth,~~ To license and regulate solicitors for
 11 passengers or for baggage to and from ~~any~~ A hotel, tavern,
 12 public house, boat, or railroad ~~—~~ and to provide the places
 13 where they may be admitted to solicit or receive patronage; ~~also~~
 14 ~~draymen, carmen, truckmen,~~ AND TO LICENSE AND REGULATE porters,
 15 runners, AND drivers of ~~cabs, hackney coaches, omnibuses, car-~~
 16 ~~riages, sleighs, express vehicles and vehicles of every other~~
 17 ~~description~~ VEHICLES used and employed for hire, TO PROVIDE THE
 18 PLACES WHERE THEY BE ADMITTED TO SOLICIT OR RECEIVE PATRONAGE,
 19 and to fix and regulate the amounts and rates of their
 20 compensation. ~~—~~

21 (DD) ~~Thirtieth,~~ To provide for the protection and care of
 22 paupers. ~~—, and to prohibit and prevent all persons from bring-~~
 23 ~~ing to the city, from any other place, any pauper or other person~~
 24 ~~likely to become a charge upon the city, and to punish therefor,~~

25 (EE) ~~Thirty-first,~~ To provide for taking a census of the
 26 inhabitants of the city, whenever the council ~~shall see~~ SEES
 27 fit, and to direct and regulate the ~~same,~~ CENSUS.

1 (FF) ~~Thirty-second,~~ To provide for the issuing of licenses
 2 to the owners and keepers of dogs ~~,~~ and to ~~compel~~ REQUIRE the
 3 owners and keepers ~~thereof~~ OF DOGS to pay for and obtain such
 4 licenses; and to regulate and prevent the running at large of
 5 dogs, to require ~~them~~ DOGS to be muzzled, and to authorize the
 6 killing of ~~all~~ dogs ~~not licensed,~~ ~~or~~ running at large OR NOT
 7 LICENSED in violation of ~~any~~ AN ordinance of the city. ~~+~~

8 (GG) ~~Thirty-third,~~ To prohibit ~~and punish~~ the POSSESSION
 9 OR use of toy pistols, ~~sling shots~~ SLINGSHOTS, and other dan-
 10 gerous toys or implements within the city. ~~+~~

11 (HH) ~~Thirty-fourth,~~ To require ~~any~~ horses, mules, or
 12 other animals attached to ~~any vehicle~~ VEHICLES or standing in
 13 ~~any of~~ the streets, lanes, or alleys in the city to be securely
 14 fastened, hitched, watched, or held ~~+~~ and to regulate the plac-
 15 ing and provide for the preservation of hitching posts. ~~+~~

16 (II) ~~Thirty-fifth,~~ To provide for and regulate the number-
 17 ing of buildings upon the streets and alleys; ~~,~~ ~~and to compel~~
 18 TO REQUIRE the owners or occupants OF BUILDINGS to affix numbers
 19 on the ~~same~~ BUILDINGS; and to designate and change the names of
 20 public streets, alleys, and parks. ~~+~~

21 (JJ) ~~Thirty-six,~~ To provide for, establish, regulate, and
 22 preserve public fountains and reservoirs within the city, and
 23 ~~such~~ troughs and basins for watering animals. ~~as they may deem~~
 24 ~~proper,~~

25 (KK) ~~Thirty-seventh,~~ To prevent or provide for the con-
 26 struction and operation of street railways, ~~and~~ to regulate
 27 ~~the same~~ STREET RAILWAYS, and to determine and designate the

1 route and grade of any street railway to be laid or constructed
2 in ~~said~~ THE city. ~~—~~

3 (11) ~~Thirty-eighth,~~ To establish and maintain a public
4 library, ~~and~~ to provide a suitable building ~~therefor~~ FOR THAT
5 PUBLIC LIBRARY, and to aid in maintaining such other public
6 libraries as may be established within the city by private benef-
7 icence as the council ~~may deem~~ CONSIDERS to be for the public
8 good. ~~—~~

9 (MM) ~~Thirty-ninth, The council may also~~ TO license tran-
10 sient traders. ~~—, which shall be held to include all persons who~~
11 ~~may~~ IN THE CASE OF TRANSIENT TRADERS WHO engage in the business
12 of selling goods or merchandise after the commencement of the
13 fiscal year, ~~and~~ the license fee ~~in such cases~~ may be appor-
14 tioned with relation to the part of the fiscal year ~~which~~ THAT
15 has expired. ~~—, but such traders, if they~~ IF SUCH TRADERS con-
16 tinue in the same business ~~—, shall not be required to take out a~~
17 ~~second license~~ after the commencement of the next fiscal year,
18 ~~—: Provided, Such~~ AND THEIR goods or merchandise ~~have been~~
19 ARE assessed for taxes for ~~said~~ THE NEXT fiscal year, ~~—~~ THE
20 TRADERS SHALL NOT BE REQUIRED TO TAKE OUT A SECOND LICENSE UPON
21 THE COMMENCEMENT OF THE NEXT FISCAL YEAR.

22 (2) ~~Fortieth,~~ The council ~~shall further have authority~~
23 ~~to~~ MAY enact ~~all~~ ordinances ~~—~~ and ~~to~~ make ~~all such~~ regu-
24 lations, consistent with the laws and constitution of the state
25 as they may ~~deem~~ CONSIDER necessary for the safety, order, and
26 good government of the city ~~—~~ and the general welfare of the
27 inhabitants ~~thereof, but no~~ OF THE CITY, BUT exclusive rights,

1 privileges, or permits shall NOT be granted by the council. ~~to~~
 2 ~~any person or persons, or to any corporation, for any purpose~~
 3 ~~whatever.~~

4 Sec. 2. (1) The council may prescribe the terms and condi-
 5 tions upon which ~~licenses may~~ A LICENSE SHALL be granted and
 6 may ~~exact and~~ require payment of ~~such~~ A reasonable sum for
 7 ~~any~~ A license. ~~as they may deem proper.~~ The person receiving
 8 the license shall, before the ~~issuing thereof~~ LICENSE IS
 9 ISSUED, execute a bond to the corporation, ~~when~~ IF required by
 10 the council, in ~~such~~ A sum ~~as~~ PRESCRIBED BY the council, ~~may~~
 11 ~~prescribe,~~ with 1 or more sufficient sureties, conditioned for a
 12 faithful observance of the charter of the corporation and the
 13 ordinances of the council, and otherwise conditioned as the coun-
 14 cil may prescribe.

15 (2) ~~Every~~ A license ~~shall be~~ IS revocable by the
 16 council. ~~at pleasure, and when any~~ IF A license ~~shall be~~ IS
 17 revoked for ~~non-compliance~~ NONCOMPLIANCE with the terms and
 18 conditions upon which it was granted, or on account of ~~any~~ A
 19 violation of ~~any~~ AN ordinance or regulation passed or autho-
 20 rized by the council, the person holding ~~such~~ THE license
 21 shall, in addition to ~~all~~ ANY other ~~penalties~~ SANCTIONS
 22 imposed, forfeit ~~all~~ payments made for ~~such~~ THE license.

23 Sec. 3. ~~No~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION
 24 1(1)(MM) OF THIS CHAPTER, A license shall NOT be granted for
 25 ~~any~~ A term beyond the NEXT first Monday in June ~~next thereaf-~~
 26 ~~ter, nor shall any license~~ OR be transferable. ~~, and the~~ THE
 27 council may provide SANCTIONS for ~~punishment by fine or~~

1 ~~imprisonment, or both, of any~~ A person who, without license,
 2 ~~shall exercise any occupation or trade, or do anything for or in~~
 3 ~~respect to~~ DOES SOMETHING FOR which ~~any~~ A license ~~shall be~~
 4 IS required by ~~any~~ AN ordinance or regulation of the council.

5 CHAPTER XII

6 Sec. 4. ~~It shall be the duty of the police and~~
 7 ~~night watchmen and officers of the force under~~ UNDER the direc-
 8 tion of the mayor and chief of police, and in conformity with the
 9 ordinances of the city ~~—~~ and laws of ~~the~~ THIS state, ~~to~~ THE
 10 POLICE SHALL suppress ~~all~~ riots, disturbances, and breaches of
 11 the peace; ~~and to~~ pursue and arrest ~~any~~ A person fleeing from
 12 justice in any part of the state; ~~to~~ apprehend ~~any and all~~
 13 ~~persons~~ A PERSON in the act of ~~committing any offense against~~
 14 ~~the laws of the~~ VIOLATING A LAW OF THIS state, or ~~the~~
 15 ~~ordinances~~ AN ORDINANCE of the city, involving a breach of the
 16 peace, and, ~~to~~ UNLESS THE VIOLATION CONSTITUTES A CIVIL
 17 INFRACTION, take the offender ~~forthwith~~ before the proper court
 18 or magistrate, to be dealt with for the ~~offense~~ VIOLATION; ~~to~~
 19 make complaints to the proper officers and magistrates of any
 20 person known or believed by them to be ~~guilty of the~~
 21 RESPONSIBLE FOR A violation of ~~the ordinances~~ AN ORDINANCE of
 22 the city ~~—~~ or ~~the penal laws of the~~ CRIMINAL LAW OF THIS
 23 state; ~~and at all times~~ diligently and faithfully to enforce
 24 all ~~such~~ laws, ordinances, and regulations for the preservation
 25 of good order and the public welfare as the council may ordain;
 26 and ~~to~~ serve ~~all~~ process directed or delivered to them for
 27 service. ~~—~~ and ~~for~~ FOR such purposes, the chief of police ~~—~~

1 and every ~~police~~man and night watchman, shall have all POLICE
 2 OFFICER HAVE the powers of constables and may arrest, upon view
 3 and without process, ~~any~~ A person in the act of violating ~~any~~
 4 AN ordinance of the city involving a breach of the peace, UNLESS
 5 THE VIOLATION CONSTITUTES A CIVIL INFRACTION, or of committing
 6 ~~any crime against the laws of the~~ A VIOLATION OF A CRIMINAL LAW
 7 OF THIS state. The chief of police and ~~any policeman~~ A POLICE
 8 OFFICER may serve and execute ~~all~~ process in ~~suits and pro~~
 9 ~~ceedings for violations of the ordinances~~ A PROCEEDING FOR A
 10 VIOLATION OF AN ORDINANCE of the city, and also any other process
 11 ~~which, by law,~~ THAT a constable may serve.

12 CHAPTER XV

13 Sec. 8. ~~The council of any~~ IF A city ~~, owning~~ OWNS a
 14 public ~~burial ground or~~ cemetery, whether within or without the
 15 city, THE COUNCIL OF A CITY may pass and enforce ~~all~~ ordinances
 16 necessary to carry into effect the provisions ~~herein, and~~ OF
 17 THIS CHAPTER, to control or regulate ~~such~~ THE cemetery ~~or~~
 18 ~~burial place,~~ and the improvement ~~thereof, and~~ OF THE
 19 CEMETERY, to protect the ~~same~~ CEMETERY and the appurtenances
 20 ~~thereof~~ OF THE CEMETERY from injury, and to ~~punish violations~~
 21 ~~of any lawful orders and regulations~~ IMPOSE SANCTIONS FOR A VIO-
 22 LATION OF A LAWFUL ORDER OR REGULATION made by the board of ceme-
 23 tery trustees.

24 CHAPTER XVII

25 Sec. 4. The council ~~shall have authority to~~ MAY provide
 26 by ordinance for the preservation of the purity of ~~the waters of~~
 27 ~~any harbor, river, or other waters~~ A BODY OF WATER within the

1 city, and within 1/2 ~~of a~~ mile from the corporate boundaries
2 ~~thereof~~ OF THE CITY; ~~to~~ prohibit and ~~punish the casting or~~
3 IMPOSE SANCTIONS FOR THE depositing ~~therein~~ of ~~any~~ filth,
4 logs, floating matter, or any injurious thing IN SUCH A BODY OF
5 WATER; ~~to~~ control and regulate the anchorage, moorage, and man-
6 agement of ~~all boats, water craft~~ WATERCRAFT and floats ~~,~~
7 within the jurisdiction of the city; ~~to~~ prescribe the mode and
8 speed of entering and leaving the harbor, IF ANY, and of coming
9 to and departing from the docks, wharves, and landings, by
10 ~~boats, water craft~~ WATERCRAFT and floats; ~~,~~ and ~~to~~ regulate
11 and prescribe, by ~~such~~ ordinances or through a harbormaster or
12 other officer, ~~such~~ THE location for ~~any boat, craft, vessel~~
13 A WATERCRAFT or float, and ~~such~~ THE changes of station in and
14 use of the harbor ~~as may be~~ required to promote order
15 ~~therein,~~ IN THE HARBOR and the safety and convenience of ~~all~~
16 ~~such boats, craft, vessels and floats, and generally to~~
17 WATERCRAFT AND FLOATS; AND enact and enforce ~~such~~ ordinances
18 and regulations ~~not inconsistent with the laws of the United~~
19 ~~States and of this state, as~~ THAT in the opinion of the council
20 ~~shall be~~ ARE most conducive to the orderly, safe, and conven-
21 ient use and occupancy of the ~~harbor,~~ navigable waters,
22 wharves, docks, piers, and landing places within the city.

CHAPTER XVIII

24 Sec. 1. The council of ~~any~~ A city may regulate and
25 license ferries from ~~such~~ THE city or ~~any~~ A place ~~or landing~~
26 ~~therein to the opposite shore, or from 1 part of the city to~~
27 ~~another, and may~~ IN THE CITY; require the payment of ~~such~~ A

1 reasonable sum for ~~such~~ A FERRY license; ~~as to the council~~
 2 ~~shall seem proper, and may~~ impose ~~such~~ reasonable terms and
 3 restrictions in relation to the keeping and management of ~~such~~
 4 ferries, and the time, manner, and rates of carriage and trans-
 5 portation of persons and property ~~as may be proper,~~ BY FERRY;
 6 and provide for the revocation of ~~any such licenses~~ A FERRY
 7 LICENSE and for the ~~punishment, by proper fines and penalties,~~
 8 ~~of~~ IMPOSITION OF SANCTIONS FOR the violation of ~~any~~ AN ordi-
 9 nance prohibiting unlicensed ferries ~~,~~ and regulating ~~those~~
 10 FERRIES established and licensed.

11 CHAPTER XXX

12 Sec. 3. The revenues raised by general tax upon all the
 13 property in the city or by loan to be repaid by ~~such~~ A GENERAL
 14 tax shall be divided into so many of the following general funds
 15 as are necessary: ~~+~~

16 (A) ~~First,~~ Contingent fund, ~~to defray~~ FOR the contin-
 17 gent and other expenses of the city for the payment of which from
 18 some other fund no provision is made. ~~+~~

19 (B) ~~Second,~~ Fire department fund, ~~to defray the expenses~~
 20 ~~of~~ FOR purchasing grounds, erecting engine houses ~~thereon~~ ON
 21 THE GROUNDS, purchasing engines and other fire apparatus, and
 22 ~~all~~ other expenses necessary to maintain the fire department of
 23 the city. ~~+~~

24 (C) ~~Third,~~ General street fund, ~~to defray the expenses~~
 25 ~~of~~ FOR opening, widening, extending, altering, ~~and~~ vacating,
 26 ~~streets, alleys and public grounds, and for~~ grading, paving,
 27 curbing, graveling, ~~and otherwise~~ improving, repairing, and

1 clearing the streets, alleys, and public grounds of the city —
 2 and for the construction, MAINTENANCE, and repair of sidewalks
 3 and ~~cross walks, and for the care thereof,~~ CROSSWALKS.

4 (D) ~~Fourth,~~ General sewer fund, ~~to defray the expenses~~
 5 ~~of~~ FOR sewers, drains, ditches, and drainage — and FOR the
 6 improvement of ~~water courses,~~ WATERCOURSES.

7 (E) ~~Fifth,~~ Bridge fund, ~~for the construction and main-~~
 8 ~~tenance of bridges.~~ —

9 (F) ~~Sixth,~~ Water fund, ~~for maintaining and extending a~~
 10 system of waterworks, ~~and for~~ constructing reservoirs and cis-
 11 terns, and providing other supplies of water. —

12 (G) ~~Seventh,~~ Public building fund, ~~for providing for~~
 13 public buildings; ~~and~~ for the purchase of ~~lands therefor,~~
 14 LAND FOR PUBLIC BUILDINGS; and for the erection, preservation,
 15 and repair of ~~any such~~ public buildings ~~, city hall, offices,~~
 16 ~~prisons, watch houses and hospitals as~~ THAT the council is
 17 authorized to erect and maintain — and THAT ARE not ~~herein~~
 18 otherwise provided for — IN THIS ACT.

19 (H) ~~Eighth,~~ Police fund, ~~for the maintenance of the~~
 20 police of the city — and ~~to defray the expenses of~~ FOR the
 21 arrest ~~and punishment of those~~ OF OR ISSUANCE OF CITATIONS TO
 22 PERSONS violating the ordinances of the city — AND THE IMPOSI-
 23 TION OF SANCTIONS ON THOSE PERSONS.

24 (I) ~~Ninth,~~ Cemetery fund. —

25 (J) ~~Tenth,~~ Interest and sinking fund, ~~for the payment~~
 26 of the PRINCIPAL OF AND INTEREST ON THE public debt of the city.
 27 ~~and the interest thereon,~~

1 (K) ~~Eleventh,~~ Park fund, ~~—~~for the purchase of grounds
2 for public parks and the maintenance and improvement ~~thereof,~~
3 OF PUBLIC PARKS.

4 (L) ~~Twelfth,~~ Light fund, ~~—~~for the construction,
5 purchase, and maintenance of ~~electric or other~~ lights. ~~—~~

6 (M) ~~Thirteenth, Such other~~ OTHER funds ~~as~~ THAT the coun-
7 cil may ~~from time to time~~ constitute.

8 Section 2. This amendatory act shall not take effect unless
9 Senate Bill No. 731

10 of the 87th Legislature is enacted into law.