

Act No. 179
Public Acts of 1996
Approved by the Governor
April 19, 1996
Filed with the Secretary of State
April 19, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senator Hart

ENROLLED SENATE BILL No. 667

AN ACT to amend section 4i 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 heretofor incurred; and to repeal certain acts and parts of acts on specific dates," as amended by Act No. 313 of the Public Acts of 1994, being section 117.4i of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 4i of Act No. 279 of the Public Acts of 1909, as amended by Act No. 313 of the Public Acts of 1994, being section 117.4i of the Michigan Compiled Laws, is 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 ordinance provisions applicable to 1 or more districts may differ from those applicable to other districts. If a city is incorporated, or if territory is annexed to a city incorporated under this act, the zoning ordinance provisions applicable to the territory within the newly incorporated city or 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 ordinance provisions.

(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.

(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.

(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 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 other than ordinances described in section 4l(1), (2), or (3). However, the penalty for a violation of such a city ordinance shall not exceed a fine of \$500.00, or imprisonment for 90 days, or both.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved _____

Governor.