



SENATE BILL No. 667

September 20, 1995, Introduced by Senator HART and referred to the Committee on Local, Urban and State Affairs.

A bill to amend section 4i of Act No. 279 of the Public Acts of 1909, entitled as amended

"The home rule city act,"

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:

1 Section 1. Section 4i of Act No. 279 of the Public Acts of
2 1909, as amended by Act No. 313 of the Public Acts of 1994, being
3 section 117.4i of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 4i. 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
5 be regulated by ordinance. The zoning ~~ordinances in~~ ORDINANCE
6 PROVISIONS APPLICABLE TO 1 or more districts may differ from ~~the~~
7 ~~zoning ordinances in~~ THOSE APPLICABLE TO other districts. If a
8 city is incorporated, or if territory is annexed to a city incor-
9 porated under this act, the zoning ~~ordinances of~~ ORDINANCE PRO-
10 VISIONS APPLICABLE TO the territory within the newly incorporated
11 city or ~~of~~ the annexed territory shall remain in effect for 2
12 years after the incorporation or annexation unless the legisla-
13 tive body of the city lawfully adopts other zoning ~~ordinances~~
14 ORDINANCE PROVISIONS.

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

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

1 than a fully opaque covering of the nipple and areola. Public
2 nudity does not include any of the following:

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

5 (ii) Material as defined in section 2 of Act No. 343 of the
6 Public Acts of 1984, being section 752.362 of the Michigan
7 Compiled Laws.

8 (iii) Sexually explicit visual material as defined in sec-
9 tion 3 of Act No. 33 of the Public Acts of 1978, being section
10 722.673 of the Michigan Compiled Laws.

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

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

16 (h) For a system of civil service for city employees,
17 including employees of that city's board of health, and employees
18 of any jail operated or maintained by the city. Charter provi-
19 sions ~~heretofore or hereafter adopted~~ providing for a system of
20 civil service for employees of a local health board are valid and
21 effective.

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

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

1 (k) For the punishment of persons who violate city
2 ordinances OTHER THAN ORDINANCES DESCRIBED IN SECTION 41(1), (2),
3 OR (3). However, the penalty for a violation of SUCH a city
4 ordinance shall not exceed a fine of \$500.00, or imprisonment for
5 90 days, or both.