

# HOUSE BILL No. 4390

February 26, 1997, Introduced by Rep. Brewer and referred to the Committee on Local Government.

A bill to amend 1895 PA 215, entitled  
"The fourth class city act,"  
by amending section 1 of chapter XI (MCL 91.1), as amended by  
1994 PA 19.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### 1 CHAPTER XI

2 Sec. 1. (1) A city incorporated under the provisions of  
3 this act has, and the council may pass ordinances relating to,  
4 the following general powers:

5 (a) To restrain and prevent vice and immorality, gambling,  
6 noise and disturbance, and indecent or disorderly conduct or  
7 assemblages; to prevent and quell riots; to preserve peace and  
8 good order; and to protect the property of the city or of persons  
9 in the city.

1 (b) To prohibit vagrancy, truancy, begging, public  
2 drunkenness, disorderly conduct, or prostitution.

3 (c) To prevent injury or annoyance from anything dangerous,  
4 offensive, or unhealthy; to prohibit and remove anything tending  
5 to cause or promote disease; and to prevent and abate nuisances.

6 (d) To prohibit and suppress places of disorderly conduct,  
7 immorality, or vice.

8 (e) To regulate or license the use of places of  
9 entertainment.

10 (f) To prohibit and suppress gambling and to authorize the  
11 seizure and destruction of instruments and devices used for  
12 gambling.

13 (g) To prohibit and prevent the selling or giving of alco-  
14 holic liquor, as defined in section 2 of the Michigan liquor con-  
15 trol act, ~~Act No. 8 of the Public Acts of the Extra Session of~~  
16 ~~1933, being section 436.2 of the Michigan Compiled Laws 1933 (EX~~  
17 ~~SESS) PA 8, MCL 436.2.~~

18 (h) To regulate, restrain, or prohibit sports, exhibitions,  
19 caravans, and shows for which money or other reward is demanded  
20 or received, except lectures on historic, literary, or scientific  
21 subjects.

22 (i) To prevent the violation of the Sabbath day, or the dis-  
23 turbance of a religious meeting, congregation, or society or  
24 other public meeting assembled for a lawful purpose; and to  
25 require businesses to be closed on the Sabbath day.

26 ~~-(j) To license, regulate, or prohibit auctioneers,~~  
27 ~~auctions, and sales by public bids or offers by buyers or sellers~~

1 ~~in the manner of auctions; and to regulate the fees to be paid by~~  
2 ~~and to auctioneers. However, a license shall not be required in~~  
3 ~~case of sales required by law to be made at auction.~~

4 (J) ~~(k)~~ To license, regulate, or prohibit hawking and ped-  
5 dling and to license pawnbroking.

6 (K) ~~(l)~~ To license and regulate wharf boats and to regu-  
7 late the use of boats in and about the harbor, if any, and within  
8 the jurisdiction of the city.

9 (l) ~~(m)~~ To establish, authorize, license, and regulate  
10 ferries to and from the city or a place in the city; and to regu-  
11 late and prescribe the charges and prices for the transportation  
12 of persons and property by ferry.

13 (M) ~~(n)~~ To regulate and license taverns, houses of public  
14 entertainment, saloons, restaurants, and eating houses; and to  
15 regulate and prescribe the location of saloons. This subdivision  
16 does not authorize the licensing of the sale of alcoholic liquor,  
17 as defined in section 2 of ~~Act No. 8 of the Public Acts of the~~  
18 ~~Extra Session of 1933~~ THE MICHIGAN LIQUOR CONTROL ACT, 1933 (EX  
19 SESS) PA 8, MCL 436.2.

20 (N) ~~(o)~~ To license and regulate vehicles used for the  
21 transportation of persons or property for hire in the city; and  
22 to regulate or fix their stands on the streets and public places  
23 and at wharves, boat landings, railroad station grounds, and  
24 other places.

25 (O) ~~(p)~~ To regulate and license toll bridges within the  
26 city and to prescribe the rates and charges for passage over the  
27 bridges.

1       (P) ~~-(q)-~~ To provide for and regulate the inspection of  
2 food.

3       (Q) ~~-(r)-~~ To regulate the inspection, weighing, and measur-  
4 ing of brick, lumber, firewood, coal, hay, and any article of  
5 merchandise.

6       (R) ~~-(s)-~~ To provide for the inspection and sealing of  
7 weights and measures and to enforce the keeping and use of proper  
8 weights and measures by venders.

9       (S) ~~-(t)-~~ To regulate the construction, repair, and use of  
10 vaults, cisterns, areas, hydrants, pumps, sewers, and gutters.

11       (T) ~~-(u)-~~ To prohibit and prevent indecent exposure of the  
12 person; the show, sale, or exhibition for sale of indecent or  
13 obscene pictures, drawings, engravings, paintings, books, or pam-  
14 phlets; and indecent or obscene exhibitions and shows.

15       (U) ~~-(v)-~~ To regulate or prohibit bathing in the city's  
16 bodies of water.

17       (V) ~~-(w)-~~ To provide for the clearing of driftwood and nox-  
18 ious matter from the city's bodies of water; and to prohibit and  
19 prevent the depositing in the city's bodies of water of matter  
20 tending to render the water impure, unwholesome, or offensive.

21       (W) ~~-(x)-~~ To compel the owner or occupant of any grocery,  
22 tallow chandler shop, soap or candy factory, butcher shop or  
23 stall, slaughter house, stable, barn, privy, sewer, or other  
24 offensive, nauseous, or unwholesome place to cleanse, remove, or  
25 abate it when the council considers it necessary for the health,  
26 comfort, or convenience of the inhabitants of the city.

1       (X) ~~-(y)~~ To regulate the keeping, selling, and using of  
2 dynamite, gunpowder, firecrackers and fireworks, and other  
3 explosive or combustible materials; to regulate the exhibition of  
4 fireworks and the discharge of firearms; and to restrain the  
5 making of fires in the streets and other open spaces in the  
6 city.

7       (Y) ~~-(z)~~ To direct and regulate the construction of cel-  
8 lars, slips, barns, private drains, sinks, and privies.

9       (Z) ~~-(aa)~~ To prohibit, prevent, and suppress mock auctions  
10 and fraudulent games, devices, and practices. Persons managing,  
11 using, or practicing; attempting to manage, use, or practice; or  
12 aiding in the management or practice of a mock auction or fraudu-  
13 lent game, device, or practice may be subject to the provisions  
14 of an ordinance under this subdivision.

15       (AA) ~~-(bb)~~ To prohibit, prevent, and suppress lotteries for  
16 the drawing or disposing of money or other property. Persons  
17 maintaining, directing, or managing such lotteries or aiding in  
18 the maintenance, directing, or managing of such lotteries may be  
19 subject to the provisions of an ordinance under this  
20 subdivision.

21       (BB) ~~-(cc)~~ To license and regulate solicitors for passen-  
22 gers or for baggage to and from a hotel, tavern, public house,  
23 boat, or railroad and to provide the places where they may be  
24 admitted to solicit or receive patronage; and to license and reg-  
25 ulate porters, runners, and drivers of vehicles used and employed  
26 for hire, to provide the places where they be admitted to solicit

1 or receive patronage, and to fix and regulate the amounts and  
2 rates of their compensation.

3 (CC) ~~(dd)~~ To provide for the protection and care of  
4 paupers.

5 (DD) ~~(ee)~~ To provide for taking a census of the inhab-  
6 itants of the city, whenever the council sees fit, and to direct  
7 and regulate the census.

8 (EE) ~~(ff)~~ To provide for the issuing of licenses to the  
9 owners and keepers of dogs and to require the owners and keepers  
10 of dogs to pay for and obtain such licenses; and to regulate and  
11 prevent the running at large of dogs, to require dogs to be muz-  
12 zled, and to authorize the killing of dogs running at large or  
13 not licensed in violation of an ordinance of the city.

14 (FF) ~~(gg)~~ To prohibit the possession or use of toy pis-  
15 tols, slingshots, and other dangerous toys or implements within  
16 the city.

17 (GG) ~~(hh)~~ To require horses, mules, or other animals  
18 attached to vehicles or standing in the streets, lanes, or alleys  
19 in the city to be securely fastened, hitched, watched, or held  
20 and to regulate the placing and provide for the preservation of  
21 hitching posts.

22 (HH) ~~(ii)~~ To provide for and regulate the numbering of  
23 buildings upon the streets and alleys; to require the owners or  
24 occupants of buildings to affix numbers on the buildings; and to  
25 designate and change the names of public streets, alleys, and  
26 parks.

1       (II) ~~(jj)~~ To provide for, establish, regulate, and  
2 preserve public fountains and reservoirs within the city, and  
3 troughs and basins for watering animals.

4       (JJ) ~~(kk)~~ To prevent or provide for the construction and  
5 operation of street railways, to regulate street railways, and to  
6 determine and designate the route and grade of any street railway  
7 to be laid or constructed in the city.

8       (KK) ~~(ll)~~ To establish and maintain a public library, to  
9 provide a suitable building for that public library, and to aid  
10 in maintaining such other public libraries as may be established  
11 within the city by private beneficence as the council considers  
12 to be for the public good.

13       (ll) ~~(mm)~~ To license transient traders. In the case of  
14 transient traders who engage in the business of selling goods or  
15 merchandise after the commencement of the fiscal year, the  
16 license fee may be apportioned with relation to the part of the  
17 fiscal year that has expired. If such traders continue in the  
18 same business after the commencement of the next fiscal year, and  
19 their goods or merchandise are assessed for taxes for the next  
20 fiscal year, the traders shall not be required to take out a  
21 second license upon the commencement of the next fiscal year.

22       (2) The council may enact ordinances and make regulations,  
23 consistent with the laws and constitution of the state as they  
24 may consider necessary for the safety, order, and good government  
25 of the city and the general welfare of the inhabitants of the  
26 city, but exclusive rights, privileges, or permits shall not be  
27 granted by the council.

1       Enacting section 1. This amendatory act does not take  
2 effect unless all of the following bills of the 89th Legislature  
3 are enacted into law:

4       (a) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
5 no. 02112'97).

6       (b) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
7 no. 02112'97 a).

8       (c) Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
9 no. 02112'97 b).