

REPRINT
SUBSTITUTE FOR
HOUSE BILL NO. 4580
(As passed the House, May 12, 1999)

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 4i (MCL 117.4i), as amended by 1996 PA 179.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4i. Each city may PROVIDE in its charter ~~provide~~ FOR
2 1 OR MORE OF THE FOLLOWING:

3 (a) ~~For laying~~ LAYING and collecting rents, tolls, and
4 excises.

5 (b) ~~For regulating~~ REGULATING and restricting the loca-
6 tions of oil and gasoline stations.

7 (c) ~~For the~~ THE establishment of districts or zones within
8 which the use of land and structures, the height, area, size, and
9 location of buildings, the required open spaces for light and
10 ventilation of buildings, and the density of population may be
11 regulated by ordinance. The zoning ordinance provisions

1 applicable to 1 or more districts may differ from those
2 applicable to other districts. If a city is incorporated, or if
3 territory is annexed to a city incorporated under this act, the
4 zoning ordinance provisions applicable to the territory within
5 the newly incorporated city or the annexed territory shall remain
6 in effect for 2 years after the incorporation or annexation
7 unless the legislative body of the city lawfully adopts other
8 zoning ordinance provisions.

9 (d) ~~For the~~ THE regulation of trades, occupations, and
10 amusements within city boundaries, if the regulations are not
11 inconsistent with state or federal law, and ~~for~~ the prohibition
12 of trades, occupations, and amusements that are detrimental to
13 the health, morals, or welfare of the inhabitants of that city.

14 (e) ~~For the~~ THE regulation or prohibition of public nudity
15 within city boundaries. As used in this subdivision, "public
16 nudity" means knowingly or intentionally displaying in a public
17 place, or for payment or promise of payment by any person includ-
18 ing, but not limited to, payment or promise of payment of an
19 admission fee, any individual's genitals or anus with less than a
20 fully opaque covering ~~—~~, or a female individual's breast with
21 less than a fully opaque covering of the nipple and areola.
22 Public nudity does not include any of the following:

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

25 (ii) Material as defined in section 2 of ~~Act No. 343 of the~~
26 ~~Public Acts of 1984, being section 752.362 of the Michigan~~
27 ~~Compiled Laws~~ 1984 PA 343, MCL 752.362.

1 (iii) Sexually explicit visual material as defined in
2 section 3 of ~~Act No. 33 of the Public Acts of 1978, being sec-~~
3 ~~tion 722.673 of the Michigan Compiled Laws~~ 1978 PA 33,
4 MCL 722.673.

5 (f) ~~For licensing~~ LICENSING, regulating, restricting, and
6 limiting the number and locations of billboards within the city.

7 (g) ~~For the~~ THE initiative and referendum on all matters
8 within the scope of the powers of that city ~~,~~ and ~~for~~ the
9 recall of city officials.

10 (h) ~~For a~~ A system of civil service for city employees,
11 including employees of that city's board of health, and employees
12 of any jail operated or maintained by the city. Charter provi-
13 sions providing for a system of civil service for employees of a
14 local health board are valid and effective.

15 (i) ~~For a~~ A system of compensation for city employees and
16 the dependents of city employees in the case of disability,
17 injury, or death of city employees.

18 (j) ~~For the~~ THE enforcement of police, sanitary, and other
19 ordinances that are not in conflict with the general laws.

20 (k) ~~For the~~ THE punishment of persons who violate city
21 ordinances other than ordinances described in section ~~41(1),~~
22 ~~(2), or (3)~~ 41. ~~However, the~~ THE penalty for a violation of
23 such a city ordinance shall not exceed a fine of \$500.00 ~~,~~ or
24 imprisonment for 90 days, or both. HOWEVER, UNLESS OTHERWISE
25 PROVIDED BY LAW, THE ORDINANCE MAY PROVIDE THAT A VIOLATION OF
26 THE ORDINANCE IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93
27 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, IF THE

1 VIOLATION SUBSTANTIALLY CORRESPONDS TO A VIOLATION OF STATE LAW
2 THAT IS A MISDEMEANOR FOR WHICH THE MAXIMUM PERIOD OF IMPRISON-
3 MENT IS 93 DAYS.

4 Enacting section 1. This amendatory act takes effect
5 October 1, 1999.

6 Enacting section 2. This amendatory act does not take
7 effect unless all of the following bills of the 90th Legislature
8 are enacted into law:

- 9** (a) Senate Bill No. 560.
10 (b) House Bill No. 4581.
11 (c) House Bill No. 4582.
12 (d) House Bill No. 4583.
13 (e) House Bill No. 4584.